

DEVELOPMENT REGULATIONS

2015 - 2025

TOWN OF PORT AU CHOIX

| SEPTEMBER 2015 |



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DEVELOPMENT REGULATIONS 2015 - 2025



TOWN OF **PORT AU CHOIX** CROSSROADS OF CULTURE



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URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

**TOWN OF PORT AU CHOIX
DEVELOPMENT REGULATIONS (2015 – 2025)**

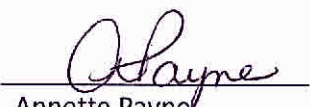
Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Port au Choix.

- a) Adopted the Port au Choix Development Regulations on the 6th day of June 2016.
- b) Gave notice of the adoption of the Town of Port au Choix Development Regulations by advertisement inserted on the 31st day of August, 2016 and the 7th day of September, 2016 in the *Northern Pen* newspaper.
- c) Set the 22nd day of September, 2016 at 7 p.m. at the Town Hall for the holding of the Public Hearing of Objections and submissions.

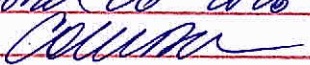
Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Port au Choix approves the Port au Choix Development Regulations as adopted.

SIGNED AND SEALED this 10 day of October, 2016.

Mayor: 
Carolyn Lavers

Clerk: 
Annette Payne

(Council Seal)

Development Regulations/Amendment	
REGISTERED	
Number	<u>3935-2016-001</u>
Date	<u>October 26 2016</u>
Signature	<u></u>

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

**TOWN OF PORT AU CHOIX
DEVELOPMENT REGULATIONS (2015 – 2025)**

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

Adopted by the Town Council of Port Au Choix on the 6 day of June 2016.

Signed and sealed this 20 day of July, 2016.

Mayor:



Carolyn Lavers

Clerk:




Annette Payne

(Council Seal)

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:



Member of Institute of Planners (MCIP)
Robert Ross, MCIP





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APPENDIX A: LAND USE ZONING MAP 1

APPENDIX B: LAND USE ZONING MAP 2

APPENDIX C: AMENDMENTS TO THE DEVELOPMENT REGULATIONS

OVERVIEW OF DEVELOPMENT REGULATIONS

INTENT OF DEVELOPMENT REGULATIONS

The intent of the Development Regulations is to act as a legal document under the *Urban and Rural Planning Act, 2000* to manage and regulate the use and density of land, the siting of buildings and future development within the Town of Port au Choix's Municipal Planning Area, in a manner that reflects and conforms to the intent of the land use policies and objectives of the Town's new Municipal Plan (2015-2025).

The Development Regulations:

- *Establish varied land use zoning categories and property designations for residential, commercial, comprehensive development, industrial, mixed development, community and public uses, and other uses of land;*
- *Specify the permitted, accessory, prohibited and discretionary land uses within the varied zoning categories;*
- *Identify maximum land use density achievable on specific sites;*
- *Convey conditions of use for varied land uses;*
- *Detail the standards for development, including the siting, size and height requirements for new buildings;*
- *Discuss the requirements for the use of varied signs and advertisements;*
- *Provide for requirements for subdivision of land and development permits;*
- *Outline design criterion for specific developments, including site and building design, landscaping provisions, signage, parking and outside storage attention;*
- *Discuss standards and requirements for the provision of parking to accompany varied land uses; and,*
- *Include extensive regulatory detail to address the content requirements related to the NL Minister's Development Regulations under the Urban and Rural Planning Act (2000).*

The overall objective of the Development Regulations is to help to enhance the local quality of life for Port au Choix residents by encouraging and providing for orderly development, creating opportunities for economic stability, growth and expansion, and minimizing incompatible land use conflicts. The Town's Municipal Planning Area boundary, where the Development Regulations apply, is shown on the zoning maps attached as Appendix 1 and Appendix 2, to these Development Regulations.

CONTENT AND FLOW OF DEVELOPMENT REGULATIONS

The complete land use zoning requirements and development standards, and companion zoning maps, are included with the Development Regulations document. The following outline provides a brief summary of the general content of the Development Regulations, and reflects the flow of varied detailed and regulatory information contained within the document.

- **Overview** includes a general introduction to the intent and content of the Development Regulations.
- **Ministerial Regulation 3/01** under the Urban and Rural Planning Act, 2000, is presented in its entirety to as a component of the Town of Port au Choix Development Regulations to provide context and clarity.
- **Application** of the Town of Port au Choix Development Regulations describes the intent and authority of these Regulations.
- **Part I General Regulations** follows an alphabetical order approach to introduce the general regulations applicable to the Development Regulations with respect to general procedures for land development applications, decisions of Council and the appeal process.
- **Part II General Development Standards** continues the alphabetical order approach to discuss the various general development standards and required content on issues ranging from discretionary uses to home based businesses to mineral working to residential subsidiary apartments.
- **Part III** details the requirements to follow in considering the use and installation of **signs and advertisements** within the community.

- **Part IV** provides the rules for **subdivision of land** within the Planning Area of Port au Choix.
- **Part V** provides an initial introduction to the various land use categories, referred to as **Use Zones**, outlining the uses permitted outright, and those that may be permitted subject to a public process and Council’s discretion. The use zones detail the applicable development standards and conditions that apply to any property in the community within a particular zone.
- **Schedule “A”** contains a substantial listing of land use zoning and community planning terms and definitions that play the critical role within the Development Regulations to help provide interpretation and clarity to what land uses are permitted in what specific land use zone category.
- **Schedule “B”** represents a key component of the Development Regulations by outlining ten distinct land use zone categories that are to be utilized to manage and regulate the use and density of land within Port au Choix.
- **Schedule “C”** discusses the general design guidelines that are applicable to the site and building design of specific higher density residential and other non-residential land uses.
- **Schedule “D”** defines the requirements and number of parking spaces necessary to support varied business and other land developments.

Appendix A & B: Two map appendices attached to the Development Regulations identify the varied zone categories applied to all land within the Planning Area boundary of the Town.

Appendix C: Provides an opportunity for the community to list and document amendments to the Development Regulations as they are prepared and processed to come into legal effect.

HOW TO USE THE DEVELOPMENT REGULATIONS DOCUMENT

Unlike the Municipal Plan policies document, the Development Regulations are a detailed approach to regulating and managing the use and density of land and buildings. To attain a comprehensive understanding of the Development Regulations, each discussion area of the document requires attention.

Utilization of the Development Regulations for a specific item related to private property within the Planning Area may be more readily achievable, as discussed as follows.

For each land use zoning category for residential or commercial or other land use sectors, a listing of permitted and other uses, and requirements related to land development standards, are provided. The specific land use category or categories applicable to each property within the Town can be identified by referring to either the Development Regulations Zoning Map 1 or 2, dependent upon where the subject property is located.

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

1. Locate the property on the applicable Development Regulations map and determine its zoning designation (for example RES for single unit residential homes).
2. Turn to the Development Regulations text within Schedule “B”, and find the applicable Zone category that matches the map designation of the property.
3. Determine the permitted uses, development standards and other regulatory requirements for the subject zone. Refer also to Schedule ‘A’ Definitions, the applicable regulatory sections that contain content related to the Minister’s Regulations, and other relevant regulatory items of the Development Regulations such as the building design requirements of Schedule “C”, off street parking provisions of Schedule “D”, and other information as applicable to the subject property.
4. The Minister’s Development Regulations are especially critical to review and understand; as where there is a conflict between the Town’s Development Regulations and the Minister’s Development Regulations, the latter shall apply.
5. Discuss with Town staff any questions that you may have with the Development Regulations requirements for your property.

MINISTERIAL DEVELOPMENT REGULATIONS

NEWFOUNDLAND REGULATION 3/01

Development Regulations

under the

Urban and Rural Planning Act, 2000

REGULATIONS

Analysis

1. Short title
2. Definitions
3. Application
4. Interpretation
5. Notice of right to appeal
6. Appeal requirements
7. Appeal registration
8. Development prohibited
9. Hearing notice and meetings
10. Hearing of evidence
11. Board decision
12. Variances
13. Notice of variance
14. Residential non-conformity
15. Notice and hearings on change of use
16. Non-conformance with standards
17. Discontinuance of non-conforming use
18. Delegation of powers
19. Commencement

Short title

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

Definitions

2. In these regulations,
 - (a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;
 - (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;

- (c) "authority" means a council, authorized administrator or regional authority; and
- (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

Application

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

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

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

Interpretation

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

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,

and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;

- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

(2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

Notice of right to appeal

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

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

Appeal requirements

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

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

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

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

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

Appeal registration

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

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

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

Hearing of evidence

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

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

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

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

Board decision

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

Variances

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

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

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

Notice of variance

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

Residential non-conformity

14. A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

Notice and hearings on change of use

15. Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper

circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

Non-conformance with standards

16. Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.

Discontinuance of non-conforming use

17. An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation.

Delegation of powers

18. An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

Commencement

19. These regulations shall be considered to have come into force on January 1, 2001.

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TOWN OF PORT AU CHOIX LAND USE ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS [DEVELOPMENT REGULATIONS, 2015-2025]

APPLICATION

The Application section of the Development Regulations sets the template for interpretation of wording within the document, identifies when the new Regulations take effect and how an individual may appeal a decision of Town Council with respect to the Development Regulations.

1. SHORT TITLE

This document and all schedules and maps attached hereto, including the content related to the NL Minister's Development Regulations, shall be cited for all purposes as '**Town of Port au Choix Development Regulations – 2015-2025**'.

The Development Regulations shall apply to all lands and water bodies within the Planning Area boundary area as identified by the attached two Land Use Zoning maps. The Zoning maps form part of the Development Regulations (2015-2025).

2. INTERPRETATION

- (1) Within this Development Regulations document, words used in the present tense shall include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word 'person' includes a corporation, firm, partnership, trust, and other similar entities as well as an individual. Words have the same meaning whether they are capitalized or not.

- (2) The words 'shall' and 'is' require mandatory compliance except where a variance has been granted pursuant to the NL Urban and Rural Planning Act (2000).

- (3) Words, phrases and other terms neither defined in this Regulation nor in the Urban and Rural Planning Act shall be given their usual and customary meaning in the context in which they are used in the Development Regulations.
- (4) Where a regulation within this document involves two or more conditions, provisions, or events connected by the conjunction 'and', the meaning is that all connected items shall apply in combination; use of the word 'or' indicates that the items shall apply singly but not in combination; and use of 'and/or' conveys that the connected items may apply singly or in combination.
- (5) If ambiguity arises, concerning the context, interpretation or application of this bylaw, the Municipal Clerk shall set forth the relevant information and its interpretation in a recommendation for Town Council. Council shall consider the findings and interpretation of the Municipal Clerk and render a final decision and interpretation on the matter.
- (6) In the event of a conflict between the provisions of the Development Regulations and the provisions of any other Town standard or Bylaw, the most restrictive provisions shall govern.
- (7) Town Council may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the Development Regulations as permitted, accessory, discretionary or prohibited uses for that area.
- (8) Within this Development Regulations document, references to "Town" means the Council of the Town of Port au Choix.
- (9) Throughout the Development Regulations, metric units of measurement and area are used, with imperial measurements provided in parentheses for clarity. The most commonly used measurements, and other items, as listed below, utilize standard abbreviations as follows:
 - Square metres (sm)
 - Square feet (sf)
 - Metres (m)
 - Feet (ft)
 - Kilogram (kg)
 - Pounds (lbs)

- Canadian Standards Association (CSA)

(10) To assist with the understanding of the varied concepts and requirements of the Development Regulations, graphic sketches and a photo are used in varied sections of the document.

3. COMMENCEMENT

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

Upon Registration, if any regulation, paragraph, phrase, provision or requirement of this document is for any reason held to be invalid by a decision of a Court; such decision will not affect the validity of the remaining portions of these Development Regulations.'

4. REPEAL OF PREVIOUS DEVELOPMENT REGULATIONS

The previous "Development Regulations" adopted by Town of Port Choix Council on February 14, 1995 and all amendments thereto are hereby repealed.

5. BUILDING 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 Port au Choix, shall, under these Regulations apply to the entire Planning Area.

6. AUTHORITY

In these Regulations, *Authority*, means the Town of Port au Choix.

PART I – GENERAL REGULATIONS

*The following Regulations of **Part I** identify the general process of a land development application submission, its consideration by Council, approval options of Council, requirements for developers, provisions for violations and enforcement, and appeal procedures.*

7. COMPLIANCE WITH REGULATIONS

No development of land, building, structures, adjacent, within or on water bodies, or within air space shall be carried out within the Planning Area except in accordance with these Development Regulations.

8. DEVELOPMENT PERMIT REQUIRED

No person shall carry out any development within the Planning Area, except where otherwise provided in these Regulations, unless a Development Permit for the development has been approved by Council and issued by the Town.

9. CIRCUMSTANCES WHERE A PERMIT IS TO BE ISSUED

Subject to **Regulations 10, 11 and 12** that immediately follow; a development permit shall be issued for approval of development within the Planning Area where such development conforms to the requirements of these Regulations, and for approval in principle of a proposed development on the basis of certain identified conditions being met by the applicant.

10. CONDITIONS WHERE A PERMIT SHALL NOT BE ISSUED

In addition to non-approval for development that does comply to the Development Regulations, neither an approval permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Town, it is premature by reason of the site lacking the following:

- Adequate road access, power, drainage, flood-proofing, sanitary sewer disposal, or safe water quality or sufficient water quantity, flow and supply, or
- The proposed development site is located beyond the serviced area of the Town infrastructure systems at the time of application.

The Town may consider the development of land and/ or buildings on the basis that the applicant contracts to pay the full cost of construction and extension of the off site services and requirements deemed necessary by the Town as being required to support the development; such development cost shall be attached to and upon the subject property in respect of which it is imposed.

No development permit shall be considered for any land located within the right-of-ways of the distribution lines of NL Hydro.

Any proposed development for locations within the setback buffer to water and other conservation environmental areas, in close proximity to the Town's Protected Water Areas, or potentially containing archaeological resources shall be referred to the applicable Provincial Department for review and approval.

11. REASONS FOR REFUSING DEVELOPMENT PERMIT

The Town shall, when refusing to issue a permit or attaching conditions to a permit, state the reasons for so doing. The Town shall further inform and advise the applicant of the right to appeal the refusal decision in accordance with Sections 42 and 45 of the Urban and Rural Planning Act.

12. DISCRETIONARY POWERS OF AUTHORITY

In considering an application for a development permit or for approval in principle to carry out development, the Town shall assess and take into account the following issues:

- The policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto;
- The public interest;
- The environmental features of the proposed development site;
- The general appearance of the proposed development;
- The general appearance of existing development of the area;
- The character and existing land uses of the surrounding neighbourhood;
- The availability of municipal services and other utilities;
- Issues related to public safety and convenience; and,
- Any other considerations, which are in Town Council's opinion, material.

Notwithstanding the conformity of any application with the requirements of these Development Regulations, the Town may, in its sole discretion, and as a result of its consideration of the matters set out in this specific **Regulation 12**, conditionally approve or refuse the application.

13. FORM OF APPLICATION

(1) An application to the Town is required for any of the following forms of development:

- *A zone amendment change consideration by the Town from one land use zone category to another,*
- *To amend the text wording of the provisions of the Town's Development Regulations,*
- *An application for a development permit for a subdivision,*
- *A building permit, and/ or,*
- *For approval in principle of any other proposed land use development.*

The required application shall be made to the Town only by the owner of the subject property related to the application or by a person authorized by the owner. The application submission shall further only be made on such application form as prescribed by the Town and accompanied by all relevant additional information on the proposed amendment and/or development as required by the Town.

Every application, as deemed applicable by the Town, shall include such site plans, proposed development layout, legal survey of the subject property, infrastructure servicing details, engineering specifications, site/ building and landscape drawings, and other additional site specific information as the Town may require. The supplementary and background site information will allow the Town to effectively review and consider the proposal. The application shall be accompanied by the application or permit fee as prescribed by the Authority.

Where such an application is not submitted in the required form as prescribed by **Regulation 13(1)** and where such supportive application information as deemed applicable and required by the Town is not submitted, such application shall be determined by the Town to be incomplete.

- (2) The Town shall, on request, supply to every applicant a copy of the application form referred to in **Regulation 13(1)** and identify to the applicant the plans, specifications, drawings and site specific information that are required to be provided with the application to enable the Town to more fully review, assess and consider the proposal.

14. REGISTER OF APPLICATION

The Town shall keep a public register of all applications for amendment to the Municipal Plan and Development Regulations and for land and building development approval, and shall enter therein the Town's consideration decision upon each application and the result of any appeal from that decision.

15. NOTICE OF APPLICATION

- (1) When a change in non-conforming use is to be considered, or when the development proposed is listed as a discretionary use in these Development Regulations, the Town shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

- (2) When a variance is necessary under **Regulation 19** of this document, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance request.

16. DEFERMENT OF APPLICATION

- (1) The Town may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with Regulation 13(1) which have not been determined by the Town and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Town, and on which consideration has not been deferred in accordance with Regulation 16(1), shall be deemed to be refused.

17. APPROVAL IN PRINCIPLE

- (1) The Town may grant approval in principle for a subdivision or any other land and/or building development if, and after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development, subject to the further receipt, review and approval of detailed plans and other site specific information requirements, is in compliance with these Regulations.
- (2) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Town of such details and outstanding requirements as may be listed in the approval in principle, which shall also specify that submission by the applicant of these details and outstanding requirements shall be received not later than two years from the grant of approval in principle.
- (3) The Approval in Principle shall identify or contain part of, one or more or all of the following requirements:

- *applicant submission of a development plan showing intended land use, any environmental preservation areas, proposed lot layout and building location, public and private open spaces and landscape buffers, roads, water, drainage and sewer services and required infrastructure extension, construction or upgrading costs, finished site development elevations and grades, proposed development phasing if applicable, and other relevant land use planning and infrastructure servicing information, and this development plan shall further identify the general engineering specifications of the roads, infrastructure services and other relevant elements;*
- *the land development and engineering standards to be followed for the proposed development;*
- *external agency requirements - what additional approval permits are required such as from Provincial authorities and when such permits are required;*
- *when site design and construction drawings are to be required – in general, site design information is to be submitted as part of the application review process; construction drawings shall be required prior to the start of a land development phase or at a specific element of the development plan, as determined by the Town;*
- *the responsibility for the ongoing cost, maintenance and upgrading of services, and the provision of other services, such as garbage collection and street lighting;*
- *the financial guarantees in respect of municipal water, sewer, drainage, road and related public infrastructure works to ensure that each phase of the work will be done in accordance with the Town’s approval consideration;*
- *the financial and other obligations of the parties to the agreement; and,*
- *any other conditions of approval that the Town deems necessary.*

18. DEVELOPMENT PERMIT

- (1) A plan or drawing which has been approved by the Town and which bears a mark and/or signature indicating such approval together with a Development 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 additional permits or approvals required under any other regulation or statute prior to commencing the development; and from having the work carried out in accordance

with these Regulations or any other regulations or statutes; and further from compliance with all conditions imposed there-under.

- (2) The Town may attach to a Development 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 Town deems necessary, Development Permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Town for further periods not exceeding two years.
- (4) A Development Permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not substantially commenced, the Development 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 42 and Part IV of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a Development Permit shall not prevent the Town from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (6) The Town may revoke a Development Permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a Development Permit has been issued by the Town.

- (8) There shall be kept available on the premises where any work, matter or thing in being done for which a Development Permit has been issued, a copy of the permit and any plans, drawings, specifications and any other site specific requirements 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.

19. VARIANCES BY TOWN

- (1) Where an approval in principle or approval for a Development Permit cannot be issued by the Town because a proposed development does not comply with development standards established within these Development Regulations, the Town may, in its sole discretion, consider to vary the applicable development standards to a maximum of 10% if, in the Town's opinion, compliance with the development standards would prejudice or negate the proper development of the land, building or structure in question, or would be contrary to the public interest.
- (2) The Town shall not approve a variance from the development standards established within these Development Regulations if the proposed variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance, even though the individual variances are separately not greater than 10%.
- (3) The Town shall not approve a Development Permit for a variance from the development standards of the Development Regulations where the proposed development would increase the non-conformity of an existing development, building or structure.
- (4) When a variance is deemed as necessary under this Regulation, the Town shall, at the expense of the applicant, provide for written notice in the form of a Public Notice to the property owners in the immediate vicinity of the subject property for the proposed variance; Town Council shall determine the extent of the notification area to apply.

20. FINANCIAL GUARANTEES BY DEVELOPER

- (1) The Town may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of related fees and service levies, and to ensure site reinstatement where applicable, and to enforce the fulfillment by the developer of any other condition attached to a permit or approval.
- (2) The financial provisions pursuant to Regulation 20(1) may be made in the form of:
 - *A cash deposit from the developer, to be held by the Town, or;*
 - *Letter of Credit or some other form of a guarantee from a bank, or other institution acceptable to the Town, to provide for payment of fees and levies and other financial requirements of the developer, or;*
 - *A performance bond provided by an insurance company or a bank; or,*
 - *An annual contribution to a sinking fund held by the Town.*

21. SERVICE LEVY

- (1) The Town may require a developer to pay a service levy where a subject development is made possible or where the density of a potential development site is increased, or where the value of real property is enhanced by the Town carrying out of public infrastructure works either on, adjacent to or within the general proximity of the development site.
- (2) A service levy under Regulation 20 (1) shall not exceed the cost, or estimated cost, including finance charges to the Town of constructing or improving the public infrastructure works referred to in Regulation 20 (1) that are necessary for the real property to be developed in accordance with the standards required by the Town and for uses that are permitted on that real property.
- (3) A service levy shall be assessed by the Town on the real property based on:

- The amount of real property benefited by the municipal infrastructure works; and,
- The density of development made capable or increased by the public work.

(4) The Town may require a service levy to be paid by the owner of a benefiting property:

- At the time the levy is imposed;
- At the time development of the real property commences;
- At the time development of the real property is completed; or,
- At such other time as the Town may decide.

22. DEDICATION OF LAND FOR PUBLIC USE

In addition to the requirements for dedication of land under Part V – Subdivision of Land within these Development Regulations, the Town may require the dedication of a percentage of the land area of any subdivision of 5 or more lots or any other development, to a maximum of 10 % of the subdivision site or development land, for park or another public use, and such land shall be conveyed to the Town in accordance with the provisions of Section 37 of the Urban and Rural Planning Act.

23. REINSTATEMENT OF LAND AND DEVELOPMENT

Where the use of land is discontinued or the intensity of its use is decreased on any property within the Planning Area, the Town may request and then proceed to 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, structures or erections, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Town and shall put the site in a clean and sanitary condition of maintenance, use and occupancy to the satisfaction of the Town.

24. RIGHT OF ENTRY

The Town, a designated municipal employee staff person, or any appointed 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 Town is empowered to regulate.

25. RECORDS AND ENFORCEMENT OF VIOLATIONS

Any violation of these Development Regulations may be recorded, and the violation enforced for compliance to the Regulations. Where a violation is recorded, the Town may issue a violation notice and violation fines in accordance with Sections 39(1) and 39(2) of the Urban and Rural Planning Act.

26. STOP WORK ORDER AND PROSECUTION

- (1) Where a person begins a development contrary or apparently contrary to these Development Regulations, the Town may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under **Regulation 26(1)** is guilty of an offence under the provisions of the Act.

27. NOTICE OF RIGHT TO APPEAL

Where an Authority makes a decision that may be appealed under Section 42 of the Act, that Authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- a) person's right to appeal the decision to the Board;

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

28. APPEAL REQUIREMENTS

- (1) The secretary of the Board at the Department of Municipal and Intergovernmental Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(2) of the Act, shall be considered to have been filed with the appropriate board.
- (2) 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.
- (3) The Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Board.
- (4) Where an appeal of a decision and the required fee is not received by a Board in accordance with this section and Part IV of the Act, the right to appeal that decision shall be considered to have been forfeited.

29. APPEAL REGISTRATION

- (1) *Upon receipt of an appeal and fee as required under the Act and these Regulations, the secretary of the Board as referred to in subsections 6(1) and 6(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 two (2) weeks before the date upon which the appeal is to be heard by the board.

30. DEVELOPMENT PROHIBITED

- (1) Immediately upon notice of 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 the 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.

31. APPEAL BOARD

The Minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40 of the *Urban and Rural Planning Act, 2000*.

32. APPEALS

- (1) A person or association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:
 - (a) an application to undertake a development;
 - (b) a revocation of an approval or permit to undertake a development;
 - (c) the issuance of a stop work order;
 - (d) a decision permitted under the Act or another Act to be appealed to the Board.

- (2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme and development regulations and amendments and revisions of them is final and not subject to appeal.

- (3) An Appeal Board shall not make a decision that does not comply with the Municipal Plan, a scheme and development regulations that apply to the matter being appealed.

- (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed. An appeal shall be made in writing and shall include:
 - (a) a summary of the decision appealed from;
 - (b) the grounds for the appeal; and
 - (c) the required fee.

- (5) A person or group of person affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.

- (6) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.

- (7) An Appeal Board shall consider and determine appeals in accordance with the Act and the Municipal Plan, scheme and regulations that have been registered under section 24 of the Act, and having regard to circumstances and merits of the case.
- (8) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply.
- (9) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the Appeal Board considers appropriate in the circumstances and may direct the Authority to carry out its decision or make the necessary order to have its decision implemented.
- (10) Notwithstanding section (9), where the Authority may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
- (11) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
- (12) An Appeal Board shall in writing notify the appellant and the appropriate Authority of the decision of the Board.

33. NOTICE OF HEARING AND MEETINGS

- (1) An Appeal Board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than seven (7) days before the date scheduled for the hearing of the appeal.
- (2) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

34. HEARING OF EVIDENCE

(1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 33 (1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.

(2) An Appeal Board shall hear an appeal in accordance with Section 43 of the Act, and in accordance with these Regulations.

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

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

35. RETURN OF APPEAL FEE

When an appeal made by an appellant under Section 42 of the Act is successful, an amount of money equal to the fee paid by the appellant under Section 44 of the Act, shall be paid to him or her by the Authority.

36. DELEGATION OF POWERS

An Authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

PART II – GENERAL DEVELOPMENT STANDARDS

Part II discusses in alphabetical sequence a diverse range of Regulations pertaining to the development standards to be followed in the use of land within the Planning Area of Port au Choix.

37. ACCESS RAMPS AND STAIRS, DECKS

- (1) Access Ramps and Stairs – Open or partially covered access ramps and stairs are permitted within the minimum front, rear or side yards of buildings on property, provided these do not create a safety hazard or block motor vehicular sight lines from the adjacent streets, as determined by the Town.
- (2) Residential Decks – An open or partially enclosed deck attached to a residential dwelling shall not extend into the minimum permissible building setback to property lines and shall not be closer to the side and rear lot lines than 1.0 metre (3.28 feet). A deck is not included in the calculation of lot coverage.
- (3) Non Residential Dwelling Building Decks – Decks attached to non-residential dwelling buildings shall not extend into the minimum front, side, or rear yard setback areas.
- (4) Stairs – Stairs are permitted within the minimum permissible front, rear and side yard setback areas of a building.

38. ACCESSES AND SERVICE STREETS

- (1) All access locations to property shall be designed and sited to the specifications of the Town so as to ensure the greatest possible convenience, emergency vehicle access and public safety of the street system; the Town may prescribe the need for the construction of service streets to reduce the number of private driveway and other accesses to collector and arterial streets.

- (2) The Department of Transportation and Works must first approve any access proposed to a Provincial Highway.
- (3) No vehicular access shall be located closer than 10.0 metres (32.8 feet) to the street line of any street intersection.

39. ACCESSORY BUILDINGS – RESIDENTIAL ZONES

This Regulation only applies to accessory buildings in residential zones wherein the zone category contains the word “Residential” in the zone title name.

- (1) Accessory buildings shall be clearly incidental, secondary and complementary in character, use and size to the residential use of the principal buildings, and shall be contained on the same lot as the principal building or buildings.
- (2) The minimum building setback distance to property lines for an accessory building in Residential zones shall be identified within each applicable zone category of these Regulations.
- (3) Accessory buildings shall maintain a minimum separation distance of 3.0 m (9.84 ft.) from a principal residential building, or the minimum separation distance required by the Building Code, whichever is greater.
- (4) The combined lot coverage of accessory buildings together with principal and other buildings on a Residential zoned lot shall not exceed 40 % of the total area of the lot.
- (5) The maximum height of an accessory building shall not exceed the height of the principal residential building on a lot.
- (6) No accessory buildings shall be used for a residential use.

40. ACCESSORY BUILDINGS – NON-RESIDENTIAL ZONES

This Regulation establishes the requirements for accessory buildings in non-residential zones.

- (1) Accessory buildings shall be clearly incidental, secondary and complementary in character, use and size to the use of the principal buildings, and shall be contained on the same lot as the principal building or buildings.
- (2) The minimum accessory building setback distance to all property lines shall be identified within each applicable zone category of these Regulations.
- (3) Accessory buildings shall maintain a minimum separation distance of 3.0 m (9.84 ft.) from a principal building, or the minimum separation distance required by the Building Code, whichever is the greater.
- (4) No lot coverage or floor area requirements are established for accessory buildings sited on non-residential zoned property.
- (5) The maximum height of an accessory building within a non-residential zone shall not exceed the height of the principal building on the lot.

41. ACCESSORY USES

Subject to the other requirements of these Regulations, accessory uses to a permitted or discretionary use are allowed under specified conditions of use and development standards. All accessory uses are to be clearly secondary to the principal permitted land use and shall be sited, designed and managed in a manner to ensure the compatibility to the primary permitted use of the property, and those permitted uses on adjacent properties. Examples of accessory uses generally include, but are not limited to:

- *Facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, an administrative office within a hotel and/or a gift or souvenir shop that is located within a museum or other similar establishment;*

- *An office use within a commercial or industrial zone;*
- *A marina, dock, wharf or fish shack in a residential or other zone;*
- *A subsidiary apartment within a residential zone; and,*
- *A home based business.*

42. ADVERTISEMENTS

Advertisements and signage displays shall not be installed or erected except in accordance with Part IV of these Regulations.

43. AGRICULTURE

- (1) Agriculture uses, as defined by Part VII of these Regulations are regulated by the Town and the Provincial Government, subject to the Farm Practices Act and other relevant legislation. Agriculture uses shall be reviewed and considered for potential approval by both the Agrifoods Division of the Department of Natural Resources and the Town, and in consultation other applicable agencies.
- (2) Any livestock structure, including a barn, that contains five or more animal units must be sited a minimum of 600.0 m (1,968.5 ft) from a residential dwelling, except a farm residence or a residence which is a non-conforming use, unless otherwise determined after referral to and consultation with external agencies, and upon recommendation of the Agrifoods Division of the Department of Natural Resources.
- (3) The livestock structure shall be located a minimum of 60.0 m (196.8 ft) from all property boundaries of the subject site.
- (4) The proposed siting and construction plans for the erection of a structure for livestock, shall be approved by the Agrifoods Development Branch, before a building permit is considered for issuance by the Town.

- (5) A Hobby Greenhouse as an accessory use to Residential uses shall be permitted, as specified within the applicable Residential zone category (ies).

44. AIRPORT LOCATION AND ADJACENT LAND USE DEVELOPMENT

No residential and other land use development shall be permitted in close proximity to the Port au Choix airport landing strip without referral and consultation comments from Transport Canada and without approval consideration from the Town.

45. ARCHAEOLOGICAL RESOURCES, NATIONAL HERITAGE SITE, AND OTHER AREAS

- (1) No land use development shall occur within the Port au Choix National Historic Site areas except for land use initiatives from Parks Canada.
- (2) If historical artifacts or an archaeological site are discovered during site construction of land within any other locations within the Planning Area, development activity shall immediately stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation shall be consulted. Development activity on the site shall not continue or proceed until the Provincial Archaeology Office has evaluated the site, and made recommendations to the Town.
- (3) Any new archaeological sites found within the Planning Area may be zoned for conservation and protection.

46. ARTISTS LIVE/WORK STUDIOS

- (1) At its discretion, the Town may consider and approve development proposals within any area of the Planning Area, including within foreshore fish shacks, to encourage artists, artisans, dory boat builders and other craftsmen to provide for building space to practice their craft and create their works for public viewing and sale.

- (2) Artists Studios of an approved building form may make application to provide for an approved residential dwelling unit.
- (3) Artists Studios shall be a discretionary use in all zone categories on the basis of specified Conditions of Use, and specific considerations of Council.
- (4) Proposals for Artists Studios shall submit a comprehensive site and building design development plan to the Town for review and assessment prior to consideration of the proposal.

47. BED AND BREAKFAST

Bed and breakfast homes are subject to the following conditions:

- *A bed and breakfast operation is to be a temporary accommodation business for the traveling public, that is operated and conducted by the members of a household as an accessory home based business within a Residential zone;*
- *The bed and breakfast accommodation use is to consist of no more than three (3) sleeping rooms that are contained entirely within the principal residential dwelling;*
- *The maximum length of stay for any patron shall not exceed 45 days in a 12 month period;*
- *The proposed building the bed and breakfast use shall maintain an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings; and*
- *Signage for the bed and breakfast use shall be minimal, and in keeping with residential character of the neighbourhood.*

48. BOARDING HOUSE

A boarding house use is subject to the following conditions:

- *A boarding house use is to be an accessory use to a single unit residential home in a Residential zone that provides for the lodging and paid accommodation of persons, other than the immediate family of the homeowners or tenants;*
- *Daily meals may or may not be provided as part of the accessory boarding use;*
- *The accessory boarding use shall be located entirely within the principal residential home and shall consist of no more than 4 bedrooms and a maximum of 4 persons;*
- *The accessory boarding use shall be in keeping with the character of the neighbourhood, and shall provide for additional amenities such as on-site parking to support the accessory boarding use.*

49. BUFFERS - NON-RESIDENTIAL USES

- (1) Where any non-residential use abuts a residential zone, use or area, the owner of the abutting non-residential property that makes application for development shall, as part of the land development consideration of Town, be required to provide within their property line setback area adjacent to a residential use, a landscape visual barrier or screen or buffer consisting of grass strips, shrubbery, hedging, trees and/or masonry or other fencing or other structural measures, as approved by the Town.
- (2) The width of the buffer area shall be a minimum of 5.0 m (16.4 ft.) or as otherwise determined by Council in their review of the proposed development, and the materials to be utilized within the buffer area shall be determined by the Town at time of development application review.
- (3) The landscaped buffer area shall be maintained on an ongoing basis by the owner or occupier of the subject property to the satisfaction of the Town.

50. BUILDING HEIGHT

The Town may permit the erection of a building of a height greater than that specified within the applicable land use zone category of a property, and in such circumstances, the front

property building line setback and the rear yard property setback requirements shall be considered for a variance in building height on the basis of the following considerations:

- *The front property building line setback shall be increased by 2.0 m (6.56 ft.) for every 1.0 m (3.28 ft.) increase in building height; and,*
- *The rear yard property setback for a variance in building height shall not be less than the minimum building setback distance calculated as described above plus an additional 6.0 m (19.68 ft.).*

51. BUILDING LINE AND SETBACK

- (1) The Town, 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 established within the individual zone categories of these Regulations.
- (2) The building line setback is to be measured from the front property line.
- (3) The building line for property adjacent to Fisher Street shall be established by the Ministry of Highways and Transportation.

52. BUILDINGS ON A LOT

Except as permitted in Commercial, Industrial, Mixed Development and future higher density residential zone categories, and as otherwise permitted in the Development Regulations, not more than one principal building shall be permitted on a lot.

53. CAMPGROUND

A proposed use for a recreational vehicle and tenting campground may be considered by the Town on the basis of the following considerations:

- *Commercial zoning to allow the campground use;*
- *A plan of the proposed campground development shall be submitted in a format satisfactory to the Town for review and consideration, showing and specifying the number and location of all campsites and all site buildings and amenity facilities, the capacity of onsite water and sewer services, and proposed storm water drainage systems, the proposed internal roads and access locations to the adjacent public road, and proposed landscaping for buffering and/or screening the campground use from adjacent neighbouring land uses.*
- *If the campground use and site plan are approved, the submitted campground development plan, together with all other required approvals and conditions, shall form part of the Development Permit.*

54. CHILD CARE

- *One level of a child care use shall be a discretionary home based business use within Residential zone locations;*
- *In non-residential locations, a larger child care facility may be a commercial use;*
- *A child care use located within a residential area shall be limited to a maximum of 8 children;*
- *A child care use may be in the form of a day care, after school care, pre-school, play school and/ or emergency day care, all as licensed and regulated by the Province of NL; and,*
- *Adequate fencing, landscaping and other measures as deemed necessary by the Town shall be required for all child care uses to ensure compatibility to the neighbourhood, and safety and security of children.*

55. COMPREHENSIVE DEVELOPMENT AREA

- (1) Two Comprehensive Development Areas are zoned to serve as large acreage area development sites that intended to be comprehensively developed with a range and mix of varied land uses.

- (2) At its discretion, the Town may approve a comprehensive development zoning for these two designated sites, or other appropriate development sites, on the basis that the proposed use of the land and its overall density is of substantial benefit to the Town, and the proposed development significantly complies with the uses allowed, conditions of use and the development standards of the proposed use zones.
- (3) Comprehensive Development zone proposals shall be further considered by the Town on the basis of submission of comprehensive site planning and engineering design detail and costing, and the Town reviewing and considering the submitted development proposal information.
- (4) A comprehensive development area application is subject to an Approval in Principle.

56. DISCRETIONARY USE CLASSES

- (1) At its discretion, the Town may permit or refuse to allow specific listed discretionary uses within each zone use category.
- (2) Discretionary uses are intended to be complementary to the other principal and accessory uses of a specific land use zone category, and are not intended to inhibit or prejudice permitted and accessory uses.
- (3) In consideration of a proposed discretionary use, the Town may apply specific conditions and requirements.

57. ENTRANCE AND WINDOW WELLS

A building entrance well or a window well is permitted in the minimum front, rear or side yard setback areas of a property, provided it does not extend more than 0.3 m (0.98 ft.) above grade.

58. FAMILY AND GROUP CARE HOMES

Where allowed, a family group care home use is permitted in any single unit residential dwelling to accommodate a maximum of 6 residential care persons living in the group, exclusive of staff, provided that in the opinion of the Town, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighbourhood in which it is located. The Town may require special access and safety features, and neighbourhood considerations, to be provided for the occupants before occupancy is permitted.

59. FENCES

- (1) Except as otherwise required within these Regulations, or in a Fence Regulation adopted under the Municipalities Act, the outlined conditions of Regulation 59 shall apply to all fences within the Planning Area of the Town.
- (2) Within this Regulation, a fence includes a vertical above ground physical barrier or screen constructed out of typical fencing construction 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.
- (3) The provisions of this Regulation shall apply to all public authorities except the Government of Canada and in those cases where an exception from the Regulations is required to respond to an emergency or for a public purpose.
- (4) The material or materials to be used in the erection and repair of a fence shall only be of an appropriate type which is aligned with the design character of the neighbourhood where the fence is to be so used, and where the fence materials meets the approval of the Town.
- (5) The following requirements apply to the height of a fence:

- *No fence shall be permitted to interfere with the local road network and traffic sight lines as determined by the Town, or be permanently located within any NL Hydro right-of-ways.*
 - *The maximum height of a fence shall not exceed 1.2 m (3.9 ft.) between the street line and the building line, except where additional height is deemed by the Town to be required for screening or security, in which case the maximum height of a fence shall not exceed 2.4 m (7.87 ft.).*
 - *The maximum height of a fence between the building line and the rear property line shall not exceed 2.4 m (7.87 ft.).*
- (6) Every person who owns a fence on a property shall maintain such fence in a good state of repair. For the purpose of this section, “good state of repair” shall mean:
- *The fence is complete and in a structurally sound condition and plumb and securely anchored;*
 - *Is protected by weather -resistant materials;*
 - *The fence components are not broken, rusted, rotten or in a hazardous condition;*
 - *All stained or painted fences are maintained free of peeling; and*
 - *That the fence does not present an unsightly appearance deleterious to abutting land or to the neighbourhood.*
- (7) No person shall erect an electrical fence on any land, unless the electrical fence is required for the containment of livestock or the protection of crops from wildlife and wandering animals.
- (8) No person shall erect a fence consisting wholly or partly of barbed wire or other barbed material except along the top of a security fence in excess of 2.1 m (6.88 ft.) enclosing a commercial or industrial use property. Such fencing shall not be permitted where a commercial or industrial lot abuts a residential lot or residential use zone.
- (9) When in the opinion of the Town, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Town 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.

(10) The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town 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 Planning Area.

60. FLOOD PROOFING

- (1) All land and building development within the Planning Area shall be in full compliance of the Provincial Flood Risk Policy of the Department of Municipal and Intergovernmental Affairs and guidelines established by the Water Resources Management Division of the Department of Environment and Conservation.
- (2) The first floor of any new habitable dwelling within any area deemed to be at risk from rising water levels shall be required to be constructed at a minimum elevation level of 2.5 m (8.2 ft.) to protect against potential rising water levels in extreme weather events.
- (3) Within non-residential zone locations such as Commercial and Industrial zones, the electrical switchgear of new developments may be required to be installed at a minimum elevation level of 2.5 m (8.2 ft.) to protect against potential rising water levels.

61. HEIGHT EXCEPTIONS

The height requirements prescribed within Schedule B, the land use zone categories of these Regulations, may be waived in consideration of telecommunication towers, masts and antennae, flagpoles, water towers, wind turbines, spires, belfries, or chimneys, but any such

waiver which results in an increase of more than 20 % in the permitted height of the structure shall only be authorized under the provisions of Regulation 19, Variances.

62. HOME BASED BUSINESS

A Home Based Business shall only be permitted as an accessory use in accordance with Regulation 41 Accessory Uses, if the following requirements are met:

(1) All home based businesses shall:

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

(2) The following general provisions shall apply to home based businesses:

- *No more than two home based businesses shall be permitted within any one residential dwelling unit or accessory building;*
- *A home based business shall only be conducted by the residents of the dwelling unit where the business is located;*

- *A home based business use shall occupy less than 25% of the total floor area space of the dwelling unit, to a maximum of 45.0sm (484.4sf), except for a child care use which may utilize 50% of the total area space of the dwelling unit and where an accessory building is used for the home based business, the accessory building size shall not exceed 46.0sm (495.1sf), except for property in excess of 2.0ha (4.94 acres), the accessory building size for a home based business shall not exceed 140.0sm (1,506.9sf);*
- *Home based businesses shall have a maximum of 3 employees per home based business use, including not more than 1 non-resident employee;*
- *No wholesale or retail sale of goods shall be externally apparent – for example, if sale of crafts occurs it does not occur through walk-in or drive-in trade;*
- *Any and all persons intending to conduct a home based business shall apply to the Town for an application for a business license on the form prescribed by Council Policy;*
- *No change in the type or extent of the home business shall be permitted except without the approval of the Town;*
- *Home based business licenses may be subject to annual review and evaluation, including an assessment of any neighbourhood complaints received. Council may determine to not renew any home based business license for an operation that is deemed not to be in full compliance to the requirements of Regulation 61.*

(3) Only the following occupations and professions, and similar uses not specifically listed as follows, may be conducted as a home based business within a residential zone:

- *Business and professional offices, excluding real estate offices, but including medical and dental offices;*
- *Artisan and other home crafts;*
- *Food preparation for catering services and baking;*
- *Beauty salons, barbers, massage and similar personal service businesses;*
- *Bed and Breakfasts;*
- *Child care;*
- *Music and dance lessons and educational tutoring;*
- *Telephone and mail order business;*

- *Art gallery and framing shop;*
- *Pet grooming services;*
- *Shoe repair, dressmaking, sewing repairs and tailor shop;*
- *Furniture repair and upholstery;*
- *Sale of bedding plants and trees grown on the same lot;*
- *Varied personal service uses that do not disrupt the residential character of the neighbourhood such as small appliance, clock/watch, bicycle, sea kayak, surfboard and computer repair, locksmiths, manicurists and insurance agents; and,*
- *Discretionary Uses as approved by the Town.*

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

- *Occupations that discharge or emit odors, noxious or toxic matter or vapors; heat, glare, noise and/or radiation;*
- *Manufacturing, welding or any other light industrial use;*
- *The salvage, repair, maintenance or sales of motor vehicles, or motor vehicle engines or parts;*
- *Tow truck operations;*
- *The use of mechanical or electrical equipment except as ordinarily utilized in purely domestic, household, recreational hobbies or a home office use;*
- *The use of any motor vehicle exceeding 4,500kg (9,920lbs.) licensed gross vehicle weight, or a commercial vehicle unless such vehicle is completely enclosed within a building;*
- *Materials and commodities that involve delivery to and from the home based business residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer;*
- *Occupations that result in traffic congestion, on street parking overflow, electrical interference, fire hazards or health hazards;*
- *Veterinary clinics, pet breeding and boarding kennels;*
- *Tutoring or lessons for more than three classes per day to a maximum of six students per day;*

- *Office uses that generate regular daily visits by clients;*
- *Public assembly use;*
- *Telephone or mail order sales of goods where customers enter the premises to inspect, purchase or take possession of goods;*
- *The sale of any commodity not produced on the premises;*
- *Warehouse outlet;*
- *Contractors Yards in excess of one construction vehicle or two parked pieces of construction equipment;*
- *Adult Entertainment Uses; and,*
- *Any other use that is not complimentary to the quiet enjoyment of a residential neighbourhood.*

(5) Home based business parking requirements are cited as follows:

- *In addition to the two required parking spaces for a residential zone use, a home based business shall provide one parking space and an additional parking space for each non-resident employee working at such facility;*
- *A minimum of two parking spaces are required for home based business uses involving a child care and for a Bed and Breakfast Use;*
- *All parking spaces are to be provided entirely on the property where the home based business use operates; the grassed and landscaped front yard area shall not be used to provide the required parking spaces; and,*
- *The home base business applicant shall provide a site plan that indicates the parking spaces location and any landscape improvements related thereto at time of business license application.*

(6) Signage considerations for home based businesses include opportunity for one non-illuminated sign not exceeding 0.20sm (2.15sf) which includes the name of the home based business and/or that of the license holder. The sign shall be placed within or flat against the main front wall of the dwelling unit or on an entry feature such as a gate, fence or steps, as approved by the Town.

63. LOT AREA

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

64. 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 Town for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

65. LOT FRONTAGE AND ROAD FRONTAGE

Unless the development forms part of a Comprehensive Development Area, or falls under a use class such as Conservation where building development is limited to unique circumstances as determined by the Town, all building developments and newly created lots must front onto an existing public road or a subdivision road built in conformity with the standards in these Regulations. With exception to a remote cottage on a crown land lease, a seasonal residence must have frontage on a publicly maintained road.

66. MINERAL WORKINGS

- (1) Mineral workings, rock quarries and gravel pits are subject to permit approval and appropriate land use zoning in conformance with this Regulation, any other applicable regulations and the approval of the Department of Natural Resources.
- (2) No mineral working site shall be permitted closer than 300.0 m (984.2 ft.) to a residential development area unless the Town and the Department of Natural Resources (Mineral Lands Division) are satisfied that the quality of life of the residential development will not be adversely affected by the operations of the existing or proposed mineral working operation.
- (3) Unless the Town is satisfied that the mineral working activity will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working operation shall be located closer than the minimum distances set out below to the specified development or natural feature:
 - i) Existing or proposed residential development
 - Where no blasting is involved, the setback distance shall be a minimum of 300.0 m (984.2 ft.);
 - Where blasting is involved, the minimum setback distance shall be 1000.0 m (3280.8 ft.).
 - ii) Any other existing or proposed development
 - The minimum setback distance shall be 150.0 m (492.1 ft.).
 - iii) Public highway or Municipal street or road
 - The minimum setback distance shall be 50.0 m (164.0 ft.)
 - iv) Environmental sensitive feature, water body or watercourse
 - The minimum setback distance shall be 100.0 m (328.0 ft)

- (4) Where the mineral working operation is visible from a public street or highway, from an existing developed area, or from an area likely to be developed during the life of the mineral workings use, a mineral working site shall be effectively screened from such public view through installation of a minimum 30.0 m (98.4 ft.) wide buffer of vegetation, trees and other landscape plantings, or through a buffer of earthen berms constructed to sufficient height, or through the utilization of natural topography.
- (5) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required Regulation 66 (4), the Town may refuse to permit the use or associated activity.
- (6) The Town 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 the Town's specifications and at a height of no less than 1.8 m (5.9 ft.).
- (7) No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse either adjacent or in close proximity to the mineral operations site. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or have culverts placed at the roadway crossing in accordance with the Regulations of the Department of Environment and Conservation.
- (8) No mineral working shall be carried out in a manner so as to cause erosion impacts to adjacent land.
- (9) The mineral working property shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- (10) During extended periods of shutdown and to prevent non-authorized vehicle entry, access roads to a mineral working site shall be ditched or barricaded to the satisfaction of the Town.

(11) All stumps, organic material and topsoil, shall be stripped and stockpiled at least 15.0 m (49.2 ft.) from active quarry or stockpile areas. The owner or operator of the mineral working site shall ensure that the quality of the topsoil is not affected by dilution with other materials.

(12) Upon completion and termination of the mineral working development, the following work shall be carried out by the operators or owner of the property:

- *All buildings, machinery and equipment shall be removed;*
- *All pit and quarry slopes shall be graded to slopes less than 10% or to the slope gradient conforming to the existing natural grades prior to the commencement of the mineral working operation;*
- *Topsoil and any organic materials shall be re-spread over the entire quarried area;*
- *The access road to the working site shall be ditched or barred to the satisfaction of the Town;*
- *If the mineral working contains reserves of material sufficient to support further extraction operations, the Town may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.*

(13) The Town may permit preliminary processing and manufacturing uses associated with mineral workings use provided that, in the opinion of the Town, the processing and manufacturing uses will 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 odor, or by reason of unsightly storage of materials.

(14) If preliminary processing and manufacturing uses are considered, the following conditions may apply:

- *All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.*
- *The Town may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working use.*

67. MOBILE HOMES

- 1) Mobile Homes, as a permitted residential use, shall only be located in existing mobile home locations within the Planning Area.
- 2) All proposed mobile homes as a residential use shall conform to CSA standards and to the applicable requirements and other provisions of the Provincial Mobile Home Development Regulations currently in effect.

68. NON-CONFORMITY

The Town's Development Regulations pertaining to non-conformity are directed by Part XII, Section 108 of the *Urban and Rural Planning Act, 2000*, and Regulations 14, 15, and 16 of the Ministerial Development Regulations 3/10.

Non-Conforming Uses

- (1) Notwithstanding a plan, scheme or regulations made under this Act, the minister, a council or regional authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the plan, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 6 months after that discontinuance unless otherwise provided by regulation under this Act.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under this Act that is allowed to continue under subsection (1)
 - a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the minister or appropriate council, regional authority or authorized administrator;

- b) shall not be structurally modified except as required for the safety of the building, structure or development;
- c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
- d) may have the existing use for that building, structure or development varied by the appropriate council, regional authority or authorized administrator to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
- e) may have the existing building extended by the appropriate council, regional authority or authorized administrator where, in its opinion that extension is not more than 50% of the existing building;
- f) where the non-conformance is with respect to the standards included in development regulations, shall not be expanded if the expansion would increase the non-conformity; and
- g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

Residential non-conformity

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

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

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.

69. OFFENSIVE AND DANGEROUS USES

No building or land shall be used for any purpose which may be deemed by the Town to 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 which creates any public nuisance that has an unpleasant effect on the senses unless its use is authorized by the Town and any other authority having jurisdiction.

70. OFF-STREET PARKING REQUIREMENTS

- 1) For every building and structure to be constructed, erected or enlarged, and for every land use to be established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to support the use, and to ensure that the movement of motor vehicle traffic on adjacent streets is not impeded by overflow of on-street traffic parking associated with the subject building, structure or land use activity.
- 2) The number and dimension size of parking spaces to be provided for any building, structure, and use of occupancy shall conform to the requirements and standards established within Schedule D of these Development Regulations.
- 3) Each parking space, except in the case of one unit and duplex residential dwellings, shall be encouraged to be made accessible by means of a durable, hard and dust free surface access of a minimum width of 3.0 m (9.84 ft.). Parking requirements for Residential use zones shall be provided on the same lot as the residential dwelling(s).

- 4) Parking spaces for higher density residential, commercial and other land use developments as determined by the Town shall be sited in the rear yard area of the property where possible, and screened by landscaping from public view.
- 5) Within a non-residential zone, offsite parking for a use may be provided within the geographical limits of the zone area on private property that is situated not more than 200.0 m (656.1 ft.) distant from the subject use or building.
- 6) Parking spaces required to be provided by the Development Regulations, except for single unit residential uses, shall be designed in a manner that makes it unnecessary for any motor vehicle to back or to reverse into or from an adjacent street.
- 7) Where in these Regulations, parking for more than four vehicles is required or permitted, the following shall apply:
 - (i) A parking space shall mean an area of land, not less than 15.95 sm (171.69 sf) in area size, capable of being used for the on site parking of a vehicle without the need to move other vehicles on adjacent areas;
 - (ii) The parking area shall be constructed and maintained to the specifications of the Town, and landscaped where required;
 - (iii) The lights used for illumination of the parking area, and the access and egress locations to the parking area, shall be so arranged as to divert the light glare and illumination originating from the development site from impacting adjacent properties;
 - (iv) 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;
 - (v) No part of any off-street parking area shall be closer than 1.5 m (4.92 ft) to the front lot line of the property in any zone;
 - (vi) Access to parking areas in non-residential zones shall not be by way of residential zones;

- (vii) Where a parking area is located within, or abuts a residential zone, a natural landscape screen or structural barrier or fence of at least a 1.0 m (3.28 ft) height, as approved by the Town, shall be erected and maintained along all lot lines;
- (viii) Where, in the opinion of the Town, strict application of these Regulation 70 (7) parking requirements is impractical or undesirable, the Town may as a condition of a permit require that the developer pay a service levy in lieu of the provision of a specific number of parking spaces in accordance with these Regulations, and that the full amount of the levy charged shall be used by the Town for the provision and maintenance of alternative public parking spaces and facilities within the general vicinity of the development.

71. OFF-STREET LOADING REQUIREMENTS

- 1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of fish products, or other goods, wares or merchandise, there shall be provided and maintained for the premises, a loading facility on land that is not part of a street, and is comprised of one or more loading spaces that are a minimum of 15.0 m (49.2 ft) long, 4.0 m (13.12 ft) wide, and having a vertical clearance of at least 4.0 m (13.12 ft). The provided loading spaces shall have direct access to a street or have access provided to a street by way of a driveway that is a minimum of 6.0 m (19.68 ft) in width.
- 2) The number of loading spaces to be provided shall be determined by the Town with respect to the floor space area size of the building being serviced and the type of business use.
- 3) The loading facilities required by this Regulation shall provide for safe driving movements by being sited and designed in a manner that vehicles can maneuver clear of adjacent streets while loading and/ or unloading, and vehicles are not required to reverse from or to an adjacent street to access the loading space.

72. PARKS AND PLAYGROUNDS AND CONSERVATION AREAS

Nothing in these Regulations shall prevent the establishment of parks and playgrounds or the designation and improvement of conservation areas, as reviewed and approved by the Town, in any zone provided that such parks and playgrounds and improvements to conservation areas are:

- (i) Not located in areas which may be hazardous to their use;
- (ii) Not operated for commercial purposes; and,
- (iii) Financial considerations for ongoing operational, maintenance and other related costs to the conservation area improvements, parks and/ or playgrounds are approved by the Town.

73. PUBLIC SERVICES AND PUBLIC UTILITIES USES

- 1) The following listed uses, and all other similar uses within the Town of Port au Choix, are permitted in all zones: utility poles; electricity, cellular, radio, television and cable transmission towers; air or marine navigational aid; wires, cables, light standards, traffic control devices; highways and municipal directional signs; town water system, water reservoirs, town sanitary sewer and storm water management systems, and associated underground utilities, and pump houses and booster stations; group mail boxes; roads and highways; and all associated buildings, structures and storage established by the Town, by another government body or by a provincial or federal utility provider. Commercial windborne turbines are excluded from this provision, and require distinct land use zoning.
- 2) Such public services and public utility facilities are subject to the approval of applicable provincial and federal departments and agencies.
- 3) The design and location of such public services and public utilities shall take into consideration their impact and effect upon nearby land uses and occupiers of land; the environment and archaeological resources within the Town; and other considerations that the Town may deem to be significant.

74. SCREENING AND PROPERTY MAINTENANCE

- 1) The provision of adequate and suitable landscaping or screening, as determined by the Town, may be made as a condition of any development permit where, in the opinion of the Town, the landscaping or screening is desirable to enhance the design appearance of the proposed development, to improve streetscape aesthetics, to address environmental areas to be preserved or to address specific site design requirements.
- 2) In the circumstance where the Town deems that an existing property or properties represent an unsightly development due to wrecked autos, machinery and/ or equipment; accumulated storage materials; and other similar debris; and dilapidated buildings and structures; the Town may request initially, and thereafter order the property owner or owners, or the occupier of the land, to remove at their own expense, the unsightly items and materials, and in other circumstances, the Town may order the property owner or owners, or occupier of the land, to maintain, repair and/ or remove existing buildings, and to install and maintain existing and/ or new and appropriate landscaping and screening, as considered through a landscape planting submission to the Town, and in conformance to these Regulations.

75. SERVICE STATIONS

The following requirements shall apply to all proposed and redeveloped service stations:

- (i) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
- (ii) Pump islands shall be set back at least 4.0 m (13.12 ft) from the front lot line;
- (iii) Access and egress aisle ways from and to the adjacent street shall not be less than 7.0 m (22.96 ft) 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 10.0 m (32.8 ft) and the lot line between entrances shall be clearly indicated.

76. SIDE YARDS

A side yard setback area shall be maintained on the exposed sides of every building in a clear and unobstructed manner.

77. SITE DEVELOPMENT

As part of the Town's evaluation of any major land or building development, a large area site size development or a significant density increase form of development, prior to consideration of approval in principle, the Town shall take into consideration the following site development factors, conditions and influences:

- *The provisions of the Municipal Plan and Development Regulations affecting the site;*
- *The adequacy of existing infrastructure servicing the proposed development site;*
- *The capacity of the proposed road access;*
- *The potential need for the developer to pay the costs and provide for offsite infrastructure deficiencies and improvements;*
- *The environmental features of the site;*
- *The existing site elevation and proposed site grading;*
- *Post development drainage patterns and potential erosion and sedimentation impacts to adjacent lands and to sensitive bodies of water;*
- *Proposed site and building design elements and landscaping improvements;*
- *Neighbourhood character and adjacent land uses; and,*
- *Other similar aspects of the site and proposed development.*

78. SITE DEVELOPMENT QUARRY AND SOIL REMOVAL

- 1) If, as part of another site development, quarry material is to be removed and sold or otherwise disposed of, then a separate mineral workings-quarry permit application shall be reviewed by the Department of Natural Resources, Mineral Lands Division, prior to the Town's consideration of approval for the site development.

- 2) A site development quarry under this section is generally permitted wherever the use that the quarry is associated with is permitted, and where adjacent residential impacts have been considered.
- 3) A quarry permit issued under Regulation 78 shall only be valid for the term of the related site development.
- 4) When the primary site development work is completed, the quarry material area shall be suitably restored, contoured and landscaped in accordance with a plan submitted by the site developer and considered for approval by the Town.
- 5) If the site quarry work is extensive, the Town may require the deposit of a surety in a predetermined monetary amount, which shall be returned to the developer upon satisfactory completion of the required quarry restoration work.

79. STREET CONSTRUCTION STANDARDS

A new street shall only be constructed in accordance with the road and street design and specifications of the Town, and/or upon those standards recommended by the Town's engineer.

80. SUBSIDIARY APARTMENTS

Subsidiary apartments shall be permitted as an accessory use in single unit residential dwellings on the basis of the following criterion:

- *Shall be limited to one Subsidiary Apartment per lot;*
- *Shall be contained within the same building as the residential home;*
- *Shall have a separate entrance and access to the outside;*
- *Shall not exceed 50 % of the floor area size of the principal residential dwelling;*
- *Shall have window access to sunlight and private outdoor space;*
- *Shall provide for fire life safety requirements in accordance with the National Building Code; and,*

- *For the purposes of calculating lot area and yard requirements, subsidiary apartments shall be considered as part of the principal dwelling.*

81. NON-SERVICED DEVELOPMENT

Proposed land and building development application proposals that are lacking required onsite and off-site municipal infrastructure services shall be deemed by the Town to be premature, until such time that the applicant provides for the cost of such deficient infrastructure services.

82. UN-SUBDIVIDED LAND

Site development is not permitted to occur on land that has not been subdivided unless sufficient land area to meet the minimum lot size area and development setback requirements for the use zone category of the proposed land use development, and other development standards of these Development Regulations, can be provided by the developer, and where such land area is reserved for the proposed site development.

83. UTILITIES - WIND AND SMALL HYDRO, SOLAR, OTHER ENERGY FORMS

- 1) The design and location of wind mills, wind turbines and other energy forms shall take into consideration relevant impacts on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town and other authorities may deem to be significant.
- 2) Wind Turbines, Wind Mills, Wind Farms
 - i) Subject to specific area characteristics, such as proximity of the proposed wind generation site to existing built-up areas of the community, and other locations that may be sensitive to the aural, visual (aesthetic) and environmental impacts of wind development sites, wind turbines, wind mills and wind farms may be considered through application to the Town to

create a proposed new Resource Generation zone category through amendment of the Development Regulations, and through application to rezone the subject site to the new zone.

- ii) The Town will utilize provisions of this Regulation 82 and other considerations in potentially preparing a new Resource Generation zone category.
- iii) The critical issue of the minimum separation distance between an existing residential use and a wind turbine location shall be based on site specific factors and adherence to a minimum setback distance of 500.0 m (0.31 mile).
- iv) Individual wind turbines, and wind farms, which are grouped wind mills and wind turbines, and other proposed energy generation facilities, must be approved by all relevant Provincial and Federal departments and agencies and public utilities as part of approval consideration of a new Resource Generation zone category.

3) Other Energy Sources and Forms

- i) In addition, the Town may consider for support and/ or approval small hydro projects, solar energy systems, tidal energy turbines, and other alternate energy forms for approval – subject to application to the Town by a proposed developer to create the new Resource Generation zone and making further application to rezone the proposed development site to the new zone.
- ii) Individual residential application of alternative CSA energy sources such as solar panels on roofs, residential forms of wind turbines, geothermal options such as heat pumps and other similar alternatives, shall not be subject to the Development Regulations.

84. WATERWAYS AND WETLANDS

- 1) Except as otherwise shown on the Land Use Zoning Maps, at time of application review and consideration of a new residential development proposal, the minimum width of a

protected or replanted natural vegetative buffer along a waterway or wetland shall be 15.0 m (49.2 ft) from the high water mark of a stream, watercourse, pond, ocean or other body of water. If the embankment is deemed to be steep, then the buffer shall be measured from the top of the bank, as determined by the Town.

- 2) All applications for new commercial, industrial and other non-residential land uses shall maintain a minimum building setback distance of 15.0 m (49.2 ft.) from the high water mark of similar water bodies, as prescribed by Section 39 of the Water Resources Act.
- 3) Notwithstanding this Regulation, the existing fishery, marine industry and related uses adjacent to Back Arm and Gargamelle Cove are deemed historic and permissible uses.
- 4) The only uses that may be permitted in the buffer area of a waterway or wetland conversation area are roads, public utilities, pedestrian circulation trails, trail related accessory uses, and fishing and marine uses requiring direct access to a body of water, including fish processing plants and associated uses. All proposed uses within a protected buffer area shall be referred to and approved by the Water Resources Management Division of the Department of Environment and Conservation.
- 5) Depending upon the scale, duration, proposed structural uses and the intended intensity of use, proposed developments adjacent to waterways are generally subject to the approval of the Water Resources Management Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services for Crown Lands and referrals.
- 6) The Town or the Provincial Government may additionally subject a proposed development adjacent to ocean waters, a watercourse, water body or a wetland to an environmental review by a professional biologist paid for by the development proponent, and may approve, subject to terms and conditions, or refuse such development.

- 7) Consideration of maintaining adequate, safe and usable legal public access to the waterway shall be evaluated in the review of an application for a structure within any buffer and/or adjacent to a waterway.
- 8) Any proposed development within a waterway or involving the alteration of a water-body must be approved by or exempted by the following applicable agencies:
- *Department of Environment and Conservation 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 Management Division of the Department of Environment and Conservation.*
- 9) If a waterway or wetland is deemed to be minor in the manner of having intermittent flow of less than six months in any one year, or being a man-made open drainage course or possessing no evidence of fish presence, such waterways and wetlands shall remain to be deemed as contributing to and influencing aquatic habitat natural environments, and wherever possible, these water systems shall remain undeveloped and protected by a buffer. If a site is to be developed, remediation, compensation and restoration alternatives to protect and enhance the on-site waterways and wetlands shall be explored. Relocation of the waterway or wetland, off-site enhancement of other environmental areas or redesign of the development shall also be considered as alternatives, based upon approval by external agencies and departments as defined by Regulation 84(9).
- 10) The Water Resources Management Division does not recommend approval for the development of residential properties within wetland areas, infilling of water bodies for residential development, nor the diversion of stream to accommodate residential development.

- 11) The Species at Risk Habitat Stewardship Agreement between the Town and the Province formalizes the commitment by the Town and the Province to preserve and protect the Limestone Barrens. This local environmental initiative is protected within the Development Regulations through application of a Conservation Zone for the subject lands.

- 12) A permit under Section 48 of the Water Resources Act is no longer required for some marine structures. Proponents must follow new guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses as outlined by the Water Resources Management Division. However, a permit is required under Section 48 of the Water Resources Act for any infilling or dredging work associated with these structures or other works in a body of water.

85. PROTECTED PUBLIC WATER SUPPLY AREA(S)

- 1) The Municipal Planning Area includes a Protected Public Water Supply used by the community of Port au Choix. All development activities in a protected public water supply require prior approval under Section 39 of the Water Resources Act.
- 2) The owner/operator of designated area is responsible for protecting the public water supply area by posting protected water supply area signs and maintaining, conducting routine surveillance of the area and monitoring approved development activities. Activities that are prohibited are outlined in Section 39 of the Water Resources Act.
- 3) Proponents must maintain a minimum 15 metre wide undisturbed buffer along the high water mark of all bodies of water in the area. Proponents must apply to the Water Resources Management Division for a permit under Section 48 of the Water Resources Act for any work, inclusive of but not limited to fording, culverts, bridges, stream diversions, infilling and dredging in any fresh body of water including wetlands.
- 4) The Water Resources Management Division does not recommend approval for the development of residential properties within wetland areas, infilling of water bodies

for residential development, nor the diversion of streams to accommodate residential development.

- 5) While in active use, the Town's water supply tank(s) and other water containment facilities shall be inspected at least once a year to ensure water quality in accordance with the standards established by the Minister of Environment and Conservation.

86. ZERO LOT LINE AND OTHER COMPREHENSIVE DEVELOPMENT

The Town, at its discretion, may consider the approval of a residential development with residential dwellings sited at zero lot line, or some other alternative comprehensive development area site design and layout. With the exception of adhering to requirements for minimum dwelling unit floor area, where a comprehensive development area proposal does not meet the requirements of the development standards within the residential zone category (ies) of these Development Regulations, such approval evaluation shall be on the basis of the following considerations:

- *That the proposed residential units are designed in a manner to allow for privacy, and for reasonable access to natural daylight;*
- *That a self contained residential dwelling unit with full kitchen and bathroom facilities is to be provided;*
- *Adherence to fire life safety and Canadian Building Code standards is to be achieved; and,*
- *The overall site development complies with the setback standards and other provisions of the Development Regulations on that portion of the site where the comprehensive development site adjoins other land developments.*

PART IV – SIGNS AND ADVERTISEMENTS

Part IV outlines the requirements for managing proposed signs and advertisements to be installed and displayed within the Planning Area.

87. DEFINITIONS

Advertisements means any word, letter, model, picture, symbol, device, or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purpose of marketing and advertisement, announcement or direction;

Billboard means a sign that is placed on property other than the property to which the display information or advertising pertains, and that does not exceed 4.0m (13.12ft) in height and 9.0m (29.52ft) in width, and with the maximum total surface area of the sign not exceeding 28.0sm (301.39sf).

Portable Sign means any readily transferable sign that is not permanently attached to the ground, and that can be easily be temporarily set up on a site, and removed and relocated to another location.

Signs mean any visual representation or attention-drawing devices, which communicate information or advertising for any purpose, displayed out-of-doors or on the exterior of a building.

Temporary sign means any sign erected for a specified period of time announcing or advertising an event of limited duration.

Third Party Sign means a sign that is placed on property other than the property to which the information or advertising pertains.

88. SIGN PERMIT APPLICATION REQUIREMENT

- 1) Subject to the prohibited signs and advertisements identified within Regulation 91, and exemptions of the provisions outlined within Regulation 92, no sign or advertisement shall be erected or displayed within the Planning Area unless a permit for the sign is first obtained from the Town. Application for a sign permit shall only be made to the Town by the owner of the property where the advertisement is to be displayed, or by a person so authorized by the owner, and shall include such information, plans, location map, specifications and illustrative representations of the proposed sign and advertisement as the Town may require.
- 2) A sign permit may only be issued in accordance with the permitted uses of the zoning designation that is applicable to the subject property.

89. SIGN PERMIT PERIOD

An authorized permit for the erection and display of a sign and advertisement shall be for a limited period, not exceeding two years. If after two years, the sign is not erected, renewal will be at the discretion of the Town for a similar period.

90. DUTIES AND RESPONSIBILITIES OF THE SIGN OWNER

- 1) No person shall commence the installation of a sign nor shall the property owner of the land where the sign is proposed to be located, allow or authorize the installation of a sign, unless a valid permit, as required by Regulation 88, Sign Permit Application, has been first obtained.
- 2) Property owners, and persons authorized by a property owner, shall ensure that all signs are constructed in accordance with all applicable legislation and regulations, and maintained to a safe and visually presentable standard.

- 3) Except for portable signs where permitted, all signs and sign structures shall be designed and constructed in a manner to resist wind, seismic and dead loads. A professional engineer may be required to submit signed, sealed and dated structural drawings for the sign, and supervise installation of the sign.
- 4) Except for portable signs and signs located within landscaped areas where permitted, all signs shall have a clear space of 2.3 m (7.5 ft.) between the lowest portion of the sign and finished grade, sidewalk or street, unless the sign is constructed to within 0.5 m (1.64 ft.) of the finished grade.
- 5) Illuminated signs where permitted, shall be connected to a provincially approved electrical circuit on the premises to which it pertains.
- 6) The owner shall ensure the removal of any sign erected on his property when the purpose of the advertising message thereon is no longer required.

91. REMOVAL OF SIGNS AND ADVERTISEMENTS

Notwithstanding the provisions of Part IV Signs and Advertisements, the Town may require the removal of any sign or advertisement, which in its opinion, is:

- 1) Erected or displayed within, on or over any highway or street reservation.
- 2) Hazardous to road traffic by reason of its location, siting, colour, illumination or structural condition; and/or,
- 3) Not conducive to the amenities and character of the immediate surrounding area.

92. PROHIBITED SIGNS AND ADVERTISEMENTS

- 1) A sign erected within the Fisher Street right-of-way without Provincial Highways authorization.
- 2) A sign erected on Town of Port au Choix property.
- 3) Any sign situated that exhibits writings or pictures, which are indecent or are of grossly insulting language or other immorality.
- 4) Any placards, pamphlets, posters, advertising signs, writings, pictures or drawings on electric power or telephone poles, or street light standards, or on similar structures on or adjacent to a roadway or public place without authorization of the Town.

- 5) Third party real estate advertising signs.
- 6) Any illuminated sign associated with a home-based business.
- 7) Any portable sign associated with a commercial or industrial business, except for approved promotion signs.

93. EXEMPTIONS

The following signs are exempt from the provisions and requirements of Part IV Signs and Advertisements:

- 1) Signs displayed within a business, shop or office location building, or upon exterior building awnings and canopies.
- 2) On the principal façade of any commercial, industrial, comprehensive development or public building, the name of the building's business or the name of the occupants of the building, in advertising letters not exceeding one-tenth of the height of the façade or 3.0m (9.84ft.), whichever is the lesser, and in accordance with the Development Regulations design guidelines for such building use;
- 3) With a residential dwelling, family nameplate signs or a professional practice sign, not exceeding 0.2sm (2.15sf.) in area;
- 4) On land used for mining or quarrying operations, a notice board sign not exceeding 1.0sm (10.76sf.) in area, and relating to the agricultural, forestry or logging, mining or quarrying, operations being conducted on the land;
- 5) Signs owned or leased by the Town for municipal purposes;
- 6) Cemetery signs;
- 7) Signs promoting and advertising non-profit cultural and historic amenities of the community;
- 8) Signs located within the Highway 430-28 (Fisher Street) corridor that have been approved by Provincial Highways, including radio station, hospital, police, business services, tourism accommodation and similar community based amenities;
- 9) Construction company signs on the land where the construction activity is occurring;
- 10) Real estate sales signs on residential property for sale, provided that the sign shall not exceed 0.65sm (7.0sf) in surface area and 1.5m (5.0ft) in height;

- 11) Signs advertising the sale or lease of the commercial or industrial zoned property upon which the sign is located, provided that the sign shall not exceed 3.0m (32.3sf) of surface advertising area and 6.0m (19.68ft) in height;
- 12) Temporary signs advertising special events including sporting events, community festivals and causes, cultural and arts shows, charitable fund raising campaigns, blood donor clinics and similar promotions, provided that such signs are not displayed longer than 10 days at a time, or more than 45 total days in a calendar year, and are subject to removal within 4 days following the end of the event or campaign;
- 13) Notice board signs located on the property of a public use building such as a library, church, hospital, school, college, art gallery or museum provided that they are used only to display the name of the institution, educational or related programming, and non-profit community events or notices, and provided that the signs are restricted to a maximum height of 2.0m (6.56ft) and an advertising area not exceeding 1.0sm (10.76sf);
- 14) Signs on benches occupying municipal property under agreement with the Town;
- 15) Roadway and infrastructure capital works signs; and,
- 16) Signs related to the Port au Choix National Historic Site.

94. SIGNS ON NON-CONFORMING PROPERTIES

Where the active use of a parcel of land is a non-conforming use, a sign permit for the property will be considered by the Town on the basis it meets all sign permit requirements and as if the use was not non-conforming, and subject to any other conditions deemed appropriate by the Town.

95. PORTABLE SIGNS

Portable signs are to be temporary only and limited in their use to advertising community and cultural events, and for Promotional Signs for businesses where deemed appropriate and subsequently approved by the Town. Permanent signs in accordance with the requirements for a sign permit for eligible private properties, and in accordance with design criteria for specified commercial, industrial, comprehensive development and multi-unit residential projects, will be required to pursue ongoing advertising for a site.

96. BILLBOARD SIGNS

The use of third party billboard signs shall be restricted to the advertising of local tourist accommodation, tourism businesses and services, and tourist attractions, and shall be regulated, constructed and installed as follows:

- 1) Shall only be permitted on lands immediately adjacent to the Highway 430-28 (Fisher Street) corridor located to the southeast of the built-up community core of Port au Choix and as approved in consultation with Provincial Highways;
- 2) Shall not exceed sign surface area of 28.0sm (301.4sf) for each side, and not to exceed 4.0m (13.1 ft) in height and 9.0m (29.52 ft);
- 3) Shall not have a total height more than 10.0m (32.8ft);
- 4) Shall be professionally designed;
- 5) Shall be limited to one sign for each business;
- 6) Shall only be permitted for businesses that are located within Port au Choix, or for businesses whose owners reside in the Town;
- 7) Shall have a minimum separation distance of 100.0 m (328.0 ft.) from another billboard sign when measured parallel to the Highway;
- 8) Shall be regularly maintained in a neat and orderly manner;
- 9) Third party billboard signs shall be renewed on an annual basis on the basis of submission of a new sign permit application and permit fee by January 30th of each year; and,
- 10) If an annual application for a billboard sign renewal is not received by January 30th, the property owner or authorized person must remove the sign within 30 days of an Order from the Town.

97. THIRD PARTY SIGNS

- 1) Signs proposed to be sited on a property other than the property to which the advertising pertains shall be limited to those proposals where an advertising need is established, and as approved by Council.

- 2) Third party signs, where so permitted, shall provide for a higher level of visual design, including sign base and ground level landscaping treatment where deemed necessary by the Town.
- 3) Third party sign applicants are required to submit an application on a form provided by the Town, and further provide the Town with a comprehensive proposal that addresses property location, property owner authorization, sign design and landscaping detail, and other information as required by the Town.

98. ELECTION SIGNS

- 1) Every candidate in an election wishing to post or display an election sign, and prior to erecting said signs, shall apply to the Town for an Election Sign Permit on a form provided by the Town, and shall provide at the time of permit application, the required security deposit for the permit.
- 2) Election signs shall only be posted or displayed during the election period pertaining to the sign, and subject to the following restrictions:
 - i) No sign shall be placed within the minimum specified distance of a building used as a place of voting;
 - ii) No sign shall be posted within 100.0m (328.0ft) of Town Hall;
 - iii) No sign shall be affixed to any tree, utility pole, lamp standard or traffic control device;
 - iv) No sign shall be posted on or near a public highway or roadway in any manner, which obstructs motorist visibility.
- 3) To receive the election sign security deposit back from the Town, all election signs of the applicant must have been taken down and removed from both civic and private properties.

99. BUSINESS AND SPECIAL EVENT PROMOTION SIGNS

Signs to advertise a special event or business promotion shall be regulated as follows:

- 1) The application for a promotion sign permit shall be completed on the form prescribed by the Town.
- 2) Promotion signs shall be located entirely on the property to which the advertising refers and shall be limited to non-illuminated portable signs, except that within the downtown commercial areas, sidewalk level sandwich board signs that do not impede safe pedestrian circulation, will be permitted.
- 3) Promotion signs for any business shall not be displayed for more than 45 days in one calendar year on any one property.
- 4) Promotion Signs shall be limited to two sides with a maximum advertising area of 3.0sm (32.29sf), and not exceeding a height of 2.5m (8.2ft).
- 5) Promotion signs are limited to one sign per property, except for properties with more than 50.0m (164.0ft) of road frontage, and containing more than one business with an approved business license, an additional promotional sign for each additional business for every 50.0m (164.0ft), or portion thereof, of property frontage.

100. BUSINESS PREMISES SIGNS

Except for home based businesses, promotion signs and billboard signs, businesses wishing to install a free standing sign that is supported from the ground by structural members and is independent from the building, shall be regulated, designed, constructed and installed as follows:

- 1) Business premises signs shall be constructed and installed in accordance with applicable engineering and design safety provisions, and in accordance with the Development Regulations design guidelines for the specific zone of the subject property, and shall include landscape attention to the base of the sign.
- 2) Business premises signs shall only be permitted within commercial, industrial, comprehensive development and public use zones, and shall be restricted to advertising the business or businesses licensed for that property.
- 3) Signs shall be a maximum height of 7.5m (24.6ft) and shall not extend beyond property line, nor interfere with public safety as determined by the Town.
- 4) Signs shall be limited to one sign per property except:

- i) Properties having a frontage to a road greater than 50.0m (164.0ft), and a property size area greater than 1.0 ha (2.47 acres), shall be permitted to have an additional free standing sign for every additional 1.0 ha (2.47 acres) or part thereof;
- ii) Properties situated on a corner lot with a property size greater than 0.8 ha (2.00 acres), shall be permitted to have one free standing sign adjacent to each intersecting roadway.

101. SIGN PERMIT AND PROMOTIONAL SIGN APPLICATION FORMS

An application for a Sign Permit and for a Promotional Sign shall be submitted on the prescribed application form of the Town, and accompanied by the prescribed application fee required by the Town

102. POWERS OF THE MUNICIPALITY

- 1) In administration of the provisions of Part IV with regard to Signs and Advertisements, the Municipality in the form of the Town of Port au Choix is hereby empowered to order the immediate removal or effect the removal of any sign constructed without a permit, or constructed in contravention with the Building Code or Development Regulations design guidelines.
- 2) The Municipality shall further revoke a permit issued under the provisions of Part IV if:
 - i) The permit was issued on the basis of incorrect information;
 - ii) The permit was issued in error;
 - iii) The sign is not maintained; or,
 - iv) The sign becomes a nuisance or a public safety risk to traffic and/or pedestrian movements.

PART V – SUBDIVISION OF LAND

Part V outlines requirements to regulate the subdivision of land within the Planning Area.

103. SUBDIVISION APPLICATION AND PERMIT REQUIRED

- 1) An application to the Town for consideration of a permit to develop a subdivision shall be made on the form as prescribed by the Town.
- 2) No land in the Planning Area shall be subdivided unless a Development Permit for the approval of the subdivision is first obtained from the Town.

104. BUILDING PERMITS REQUIRED

Notwithstanding consideration of approval of a subdivision by the Town, a separate building permit shall be obtained for each building proposed to be erected on any of the proposed lots 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.

105. SUBDIVISION SUBJECT TO ZONING

The subdivision of land shall be permitted only in conformity with the Use Zone Categories and Land Use Zoning Maps.

106. ISSUE OF DEVELOPMENT PERMIT SUBJECT TO CONSIDERATIONS

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

- i) Location of the land;
- ii) Provisions of the Municipal Plan and Development Regulations affecting the site;
- iii) Layout of proposed subdivided lots and street pattern to provide access to the lots;
- iv) Water and sewer servicing requirements, provision for storm drainage;
- v) Identification of any offsite infrastructure deficiencies requiring upgrade to support the subdivision;
- vi) Proposed density, function and visual quality of the subdivision, including sustainability elements such as energy conservation;
- vii) Type and size of housing proposed for the subdivision;
- viii) Projected timing for construction of buildings on the lots;
- ix) The land use, physical form and character of adjacent and proposed nearby developments;
- x) The topography of the site and its drainage;
- xi) Natural features such as ponds, streams, topsoil, trees and shrubs;
- xii) Soil and subsoil characteristics, including archaeological presence;
- xiii) Prevailing winds, property elevation, and distance to water's edge;
- xiv) The effect of the subdivision on schools, services, utilities and community facilities; and,
- xv) Such other matters as the Town deems may affect the proposed development.

107. CONCEPT PLAN AND FINAL PLAN – APPROVAL

- 1) Where there is a larger subdivision of land and/or subdivision of land entailing the construction of new roads, before the developer can proceed to the preparation of construction (final) drawings and a permit is issued for the subdivision, the Town must first grant Approval in Principle (Part II, Regulation 17) for a concept plan and approval of agreements for construction guarantees by the developer.

- 2) The concept plan shall contain the following:
- i) A legal survey of the land included within the subdivision;
 - ii) Property elevations before and after site development;
 - iii) Identification of any watercourses and sensitive features;
 - iv) A detailed description of the types and standards of development and services proposed for the subdivision;
 - iii) The layout of roads, lots, open spaces and other pertinent features of the development such as any existing buildings, wells, septic locations on site;
 - iv) Dimensions for all roads and property/ boundary lines and lot size areas;
 - v) The phasing of the development;
 - vi) The estimated cost of the works of the subdivision as certified by a professional engineer and verified by the Town's Engineer.
- 3) Upon approval of the Concept Plan, the Final Plan (construction drawings and final lot and road layout, cost estimates for the design and construction of works, etc.) shall be prepared and approved by the Town and other relevant agencies before construction is allowed to proceed.

108. PAYMENT OF SERVICE LEVIES AND OTHER CHARGES

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

109. CONSTRUCTION AND TOWN ENGINEER COSTS GUARANTEES

Construction Guarantees – The developer shall deposit with the Town a cash equivalent surety before the commencement of any phase of the development sufficient to cover the following items:

- i) The fees and charges of the Town’s Engineer for the preparation of designs and specifications, review of lot layout, construction supervision and inspections, etc. before the commencement of each phase of the development; such fees and charges are to represent 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 Labrador, and in effect at the time that the subdivision work is carried out.
- ii) The amount of 40% of the cost of the completion of any phase of the development – which shall be returned to the developer with accrued interest upon satisfactory completion (full completion of roads and services, etc. to the Town’s specifications as certified by the Town’s Engineer) of the development phase of the subdivision.

110. SERVICES TO BE PROVIDED

No Development Permit shall be issued for the development of a subdivision unless provisions satisfactory to the Town have been made in the application for an adequately treated and safe supply, and sufficient volume and flow of drinking water, a properly designed sewage disposal system, a properly designed storm drainage system and provision for suitable on and off-site roads.

111. BUILDING LINES

The Town may establish building lines for any subdivision street and require any new building to be located on such building lines. The Town may also support staggered house setbacks to front property line to encourage variation in the streetscape.

112. LAND FOR PUBLIC OPEN SPACE

- 1) Before a development commences, the developer shall, if required, dedicate to the Town, at no cost to the Town, an area of land equivalent to not more than 10% of the gross area of the subdivision of five or more lots, or 25.0 sm (269.1 sf) for every dwelling unit permitted in the subdivision, for public open space, provided that:
 - i) Where land is subdivided for any purpose other than residential use, the Town shall determine the percentage of land to be dedicated;
 - ii) The Town may pursue connective pedestrian trails and walkways as part of the public open space and this approach may include both land dedication and cash-in-lieu;
 - iii) If, in the opinion of the Town, no public open space is required, the land may be used for such other public use as the Town may determine;
 - iv) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Town but in any case, the Town shall not accept land which, in its opinion is incapable of development for any purpose;
 - v) The Town may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - vi) Money received by the Town in accordance with this Regulation shall be reserved by the Town for the purpose of the acquisition or development of land for public open space or other public purpose.

- 2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by the Town for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.

- 3) The Town may require an area of land to be reserved and remain undeveloped and natural along the banks of any river, brook or pond, and this land may, at the discretion of the Town, constitute the requirement of land for public use under Regulation 112 (1).

113. STRUCTURE IN STREET RESERVATION

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

114. SUBDIVISION DESIGN STANDARDS

- 1) The standard for the design and construction of all work related to subdivision development shall be the Government of Newfoundland and Labrador Municipal Water, Sewer, and Roads Specifications, and in conformance to the following standards:
 - i) The finished grades of all streets shall not exceed ten (10) percent;
 - ii) Every cul-de-sac shall be provided with a turning circle of a diameter of not less than 30.0 m (98.4 ft);
 - iii) The maximum length of any cul-de-sac shall be:
 - 200.0 m (656.1 ft) in areas served or planned to be served by municipal piped water and sewer services;
 - 300.0 m (984.2 ft) in areas not served by or planned to be served by municipal piped water and sewer services.
 - iv) Emergency vehicle access to a cul-de-sac shall be not less than 3.0 m (9.84 ft) wide and shall connect to the head of the cul-de-sac with an adjacent street;
 - v) No cul-de-sac shall be located so as to appear to terminate a collector street;
 - vi) New subdivisions shall have street connections with an existing street or streets;

- vii) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30.0 m (98.4 ft) from the intersection;
- viii) No street intersection shall be closer than 60.0 m (196.8 ft) to any other street intersection;
- ix) No more than four streets shall join at any street intersection;
- x) No residential street block shall be longer than 490.0 m (1607.6 ft) between street intersections;
- xi) Streets in residential subdivisions shall be designed in accordance with the following minimum standards:

Type of Street	Street Reservation Width	Pavement Width	Sidewalk Width	Number of Sidewalks
Arterial	30.0m (98.4 ft)	15m (49.2 ft)	1.5m (4.92 ft)	Discretion of Council
Collector	20.0m (65.6 ft)	15m (49.2 ft)	1.5 m (4.92 ft)	2
<i>Local Residential Where more than 50% of the dwelling units are single or duplex residential dwellings.</i>	15. 0 m (49.2 ft)	9 m (29.5 ft)	1.5 m (4.92 ft)	1
<i>Where 50% or more of the residential units are apartments and townhouses</i>	20.0 m (65.6 ft)	9 m (29.5 ft)	1.5 m (4.92 ft)	2
Service Streets	15.0 m (49.2 ft)	9 m (29.5 ft)	1.5 m (4.92 ft)	Discretion of Council

- xii) No lot intended for residential purposes shall have a depth exceeding four times the frontage;
- xiii) Residential lots shall not be permitted which abut a local street at both the front and rear lot lines;
- xiv) The Town may require any existing natural, archaeological, historical or architectural feature or artifact of the subject subdivision property to be retained, preserved, protected and/ or reserved as part of the subdivision development;

- xv) Land shall not be subdivided in any manner so as to prejudice or negatively impact the development of adjacent land.
- 2) No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the standards established by the Town.
- 3) Where the configuration of existing parcels of land does not support traditional residential subdivision of land where each lot has a minimum frontage to a street, the Town may entertain a proposal to subdivide land and develop new parcels through the creation of panhandle shaped lots, more commonly known as Back lots, where a narrow driveway from the street, forming part of the lot, provides access to the larger developable portion of the parcel, provided that:
- i) The narrow panhandle driveway access area of the lot shall not be calculated as part of the minimum parcel size area required by the Development Regulations for that zone, and the panhandle driveway shall be constructed and certified by the applicant's engineer to meet standards to provide for a durable road surface for emergency access vehicles, and include provision for road drainage.
 - ii) All panhandle driveway accesses are to be considered on an individual basis by the Town for requirements of paving with asphalt or concrete by the applicant, and also be provided with approved drainage for the driveway to the satisfaction of the Town.
 - iii) The panhandle width shall be a minimum of an unobstructed 6.0m (19.68 ft) for a single panhandle.
 - iv) For two adjacent panhandles, the minimum width of each panhandle may be 4.0m (13.1ft) subject to compliance with the following at time of subdivision:
 - Registration of a cross easement access agreement on the title of both parcels for shared use and maintenance of the panhandle driveway access; and,
 - There shall be a maximum of two shared panhandle accesses in any one subdivision, and such shared panhandle accesses shall not be located beside each other.

- v) There shall be a maximum of three single panhandle access driveways in any one subdivision, and none of the panhandles shall be located next to each other unless they are shared.
- vi) The maximum length of a panhandle access shall be 200.0m (656.1ft).
- vii) The maximum length of a corner truncation for a panhandle shall be no more than 27.0m (88.5ft).
- viii) Panhandle lots shall not be permitted in Commercial and Industrial Zones.

115. ENGINEER TO DESIGN WORKS AND CERTIFY CONSTRUCTION LAYOUT

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

116. STREET WORKS MAY BE DEFERRED

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Town as being necessary, may, at the Town's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit

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

In the later stage of the work of development, the Town shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to the Town the amount of the excess. If the contract price is less than the deposit, the Town shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Town by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

117. TRANSFER OF STREETS AND UTILITIES TO TOWN

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

118. RESTRICTION ON SALE OF LOTS

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

- i) The lot can be served with satisfactory an adequately treated and safe supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system; and,
- ii) Satisfactory access to a street is provided for each of the lots.

119. SITING OF BUILDINGS AND LANDSCAPING

- 1) Each plan of subdivision shall make provision for effective site design by making optimum use of existing topography and vegetation on the development property, for layout and streetscape presence of varied building types and for attention to site landscaping improvements.
- 2) The siting and grouping of buildings on the site, once approved by the Town, shall not be changed without written application to and subsequent approval of the Town.

PART VI – USE ZONES

This Part VI of the Development Regulations introduces varied land use zones that apply to property within the Planning Area, and the approach that land uses that may or may not be permitted on specific properties.

120. USE ZONES

- 1) For the purpose of these Regulations, the Planning Area is divided into Use Zones, which are shown on the two Zoning Maps attached to and forming part of these Regulations.
- 2) Subject to Regulation 120 (3), the permitted, accessory, discretionary and prohibited uses, conditions of use, development standards, and zone requirements of each zone category are identified within Schedule “B” – Use Zone Categories.
- 3) Where identified land uses, conditions of use, development standards and zone requirements are not specifically identified within an individual zone category of Schedule “B” – Use Zone Categories, the Town may in its discretion interpret the intent, and determine the appropriate land uses allowed or prohibited, conditions of use, development standards, and zone requirements.

121. USES

The specific uses to be included in each of the Zone Categories of Schedule “B” – Use Zone Categories shall be determined by the Town in accordance with the defined terms of various land uses and examples provided within Schedule “A” – Definitions.

122. PERMITTED USES

Subject to these Regulations, the Permitted Uses within each Use Zone Category, and the uses interpreted by the Town from the definitions listed in Schedule 'A', shall be permitted by the Town within that zone.

123. ACCESSORY USES

Subject to these Regulations, the Accessory Uses within each Use Zone Category shall be permitted only as secondary and subsidiary uses to a primary permitted use within a specific zone.

124. DISCRETIONARY USES

Subject to these Regulations, the uses identified as Discretionary Uses within each Use Zone Category, may be considered to be permitted within a specific zone if the Town is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the companion Municipal Plan, or any other development scheme or plan or regulation pursuant thereto, and not contrary to the public interest, and on the basis that the Town has given formal notice of the application in accordance with Regulation 15 and has considered any public comments, objections or representations which may have been received on the question of the permissibility of the Discretionary Use.

125. PROHIBITED USES

- 1) Uses that are not identified as Permitted, Accessory or Discretionary Uses within a Use Zone Category, or interpreted by the Town from the meaning intent of the definitions of Schedule 'A', shall not be permitted in that Use Zone Category.

SCHEDULE “A” – DEFINITIONS

- (1) The following definitions enhance interpretation of permitted uses and other provisions of the Development Regulations.*
- (2) The following definitions are categorized alphabetically.*
- (3) The following definitions shall apply throughout the Development Regulations.*

A

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

Access means a way or method of approach or entry utilized 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 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.

Accessory Building includes:

- i) A detached subordinate, separate and smaller building not used as a residential dwelling, located on the same lot as the principal building or land use to which it is an accessory which has a use that is customarily incidental or complementary to the main use of the building or land;
- ii) For residential uses, domestic garages, carports, sheds, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or household storage;
- iii) For commercial uses, workshops or garages;
- iv) For industrial and rural uses, garages, offices, raised ramps and docks.

Accessory Employee Residential means a self-contained residential dwelling use of a maximum floor area size not exceeding 110.0 square metres (1,184.0 square feet) that is secondary to the principal use, is located entirely within the principal building on the site and is used for a maximum of one residential dwelling unit for the accommodation of an employee who works on site.

Accessory Retail means an accessory use associated with an industrial use that is located within the industrial use building where no more than 25 % of the floor area of the building is devoted for a retail use of the industrial use products. Accessory Retail use for Industrial Special uses shall only be for materials produced on site.

Accessory Unenclosed Storage means a use providing for the screened outside storage of goods or things customarily associated with a commercial use and an industrial use, and where the area of such storage is intended to be less than the building floor area size of the primary permitted use, and where such storage does not include discarded, abandoned, unsightly or nuisance storage materials; includes garden centre displays and similar accessory uses but excludes auto sales locations.

Act, unless the context indicates otherwise, means the *Urban and Rural Planning Act, 2000*, and all amendments related thereto.

Adjoining means having a common boundary.

Adult Care Facility means an approved and licensed premise for the multi unit residential care of seniors; includes personal care and congregate care facilities and homes for seniors.

Adult Entertainment Use means any premises nor part thereof where objects and/ or services, including entertainment, of a sexual nature, except contraceptives, are sold or offered for sale, and includes all adult entertainment products and services, adult entertainment dancing and striptease, body rub parlour, adult movie theatre, adult video store, escort service and similar.

Advertisement means any word, letter, model, sign, placard, board, 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 Centre 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, and which normally requires the insertion of coin or payment of a fee for use.

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). Animal Unit shall represent a measurement of intensity of use of a proposed use activity related to agriculture.

Apartment Building means a higher density form of residential development containing three or more dwelling units, where each residential dwelling unit has its principal access from a common entrance, foyer or hallway, 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.

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

Archaeological refers to artifacts and other historic items related to the National Historic Site in Port au Choix, as well as to other protected sites within the Town's planning area boundary, as identified by the Provincial Archaeological Office.

Art Gallery is a commercial use for the display and sale of original works of artists from varied art mediums.

Arterial Street means the streets in the Planning Area constituting the main traffic arteries or vehicular routes and defined as arterial streets or highways as part of the municipal road network.

Artist Live-Work Studios refer to a discretionary use intended to serve as tourism draw and as a cultural commitment by the Town to accommodate artists of varied mediums to conduct their profession and have an approved residential dwelling accommodation within one floor space or building area, and sited in any zone location throughout the Planning Area.

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

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

Authority, in the context of the Town's Municipal Plan and Development Regulations, means the Town of Port au Choix and its elected Council, but may also imply other authorized administrators such as the Government of Newfoundland and Labrador or a regional administrative entity.

Auto Body Repair means a hazardous industry use for the repair, spraying and painting, fabrication and detailing of the body of auto motor vehicles.

Automotive Repair means a commercial use for the repair and maintenance of motor vehicles.

B

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

Basement means that portion of a building, which is located below the first storey of a building and is not less than 50% below natural grade of the lot on which the building is located.

Bed and Breakfast means a business operated and conducted by the members of a family as an accessory home based business use providing temporary accommodation within a residential home, and that may include a morning meal and a dining room for the use of overnight guests. The establishment must be registered with and approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.

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

Boarding use means an accessory use to a residential dwelling wherein 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

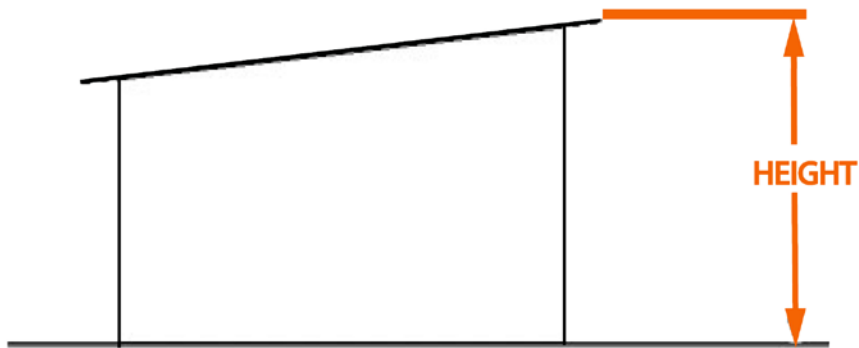
(iv) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (i) to (iii).

Building Area means that portion of a lot or property that does not contain an environmentally sensitive area, archaeological artifacts, or hazardous lands, and is available for accommodating a building with the permitted uses, siting, size and dimension regulations in this Bylaw.

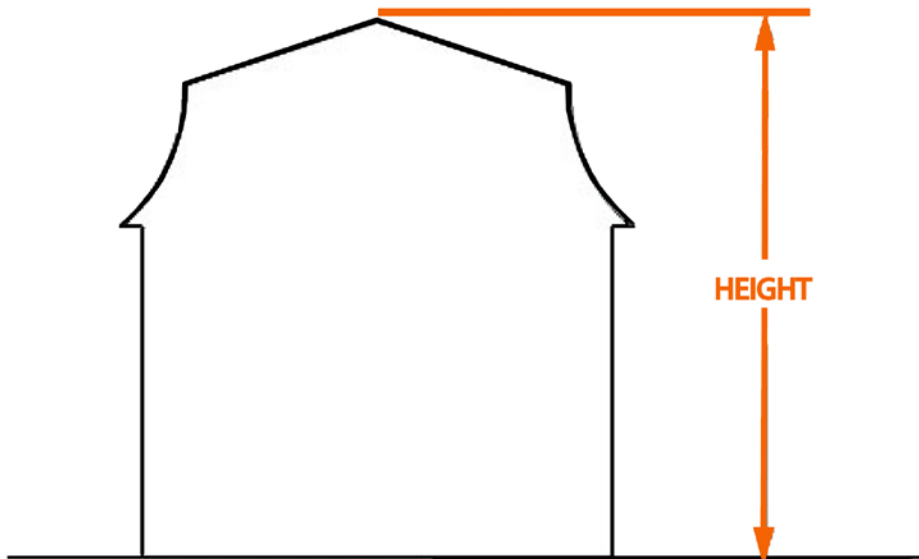
Building Code means the provincial and/ or federal government legislation and related regulations, requirements and policies that are applicable to constructing a building or structure, and similar such construction activities.

Building Height, as illustrated by the attached sketch, means the vertical distance, measured in metres, from the established grade to:

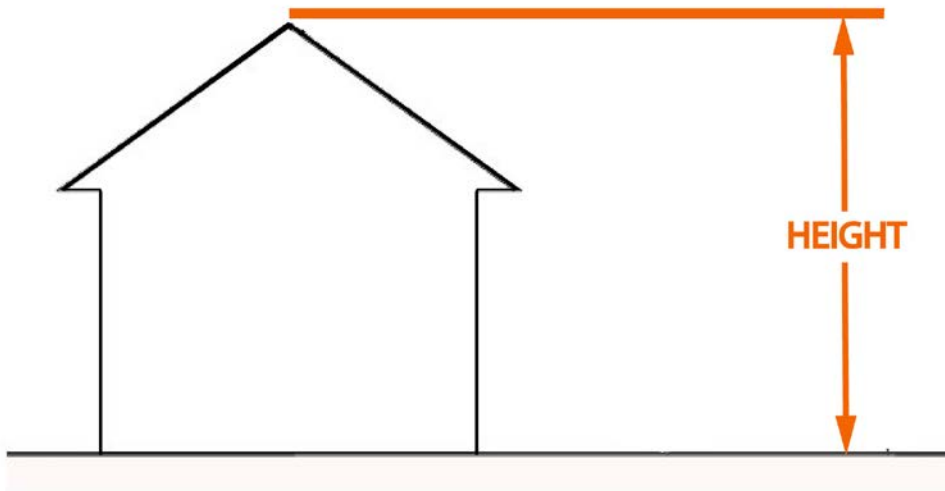
- i) The highest point of the roof surface of a flat roof;



ii) The deck line of a mansard roof;



iii) The mean height level between eave and ridge of a gable, hip or gambrel roof.



- iv) A building height shall not include mechanical structures, smokestacks, steeples and purely ornamental structures above a roof.

Building Line means a line that may be established by the Town that runs parallel to a street line and is set at the closest point to a street that building may be placed.

Building Footprint means the ground level, main floor area of a building or structure on a lot or property, and thereby represents the building's footprint on the land.

Building Massing refers to the extent of bulk and size of any one part of a higher density residential, commercial or industrial building that is of the same appearance, and is devoid of any appealing architectural detail or design such as evident with the long blank wall of a building.

Building Permit means a permit issued by the Town authorizing the owner of land or his agent to construct a building or structure.

Building Supplies Store is a commercial retail store of hardware, home-ware, tools, equipment and related goods and building materials, and providing for the storage and sale of lumber and building materials, where the storage of screened and covered lumber as an accessory

unenclosed storage use shall not exceed 20% of the floor area size of the Building Supplies Store.

Bylaw refers to a local government bylaw to regulate an activity or land use.

C

Cabaret means a commercial business use providing for the sale and consumption of alcoholic beverages, with or without food service, in which patron dancing to live or recorded music is available on a dance floor, and includes a nightclub, but excludes stand alone pubs, lounges and pubs located within a hotel, and adult entertainment.

Café means a small or inexpensive commercial use restaurant serving light or easily prepared meals, food and refreshments.

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

Capital Plan represents a financial plan of the Town wherein forecasted required capital expenditures for the Town's infrastructure of municipal buildings, equipment, facilities and vehicles, and services of water, sanitary sewer, storm water, lift stations, pumps, sidewalks, roads, refuse and similar services, and utilities where applicable, are identified each year, and for subsequent years, for Town Council's consideration.

Car Wash means a commercial use facility for washing, cleaning and detailing of automotive vehicles.

Cemetery means a public use facility or land area reserved and dedicated to the burial of the dead and includes a crematorium and a related maintenance accessory building.

Child Care means an accessory home based business use that provides for services and activities for a maximum of 8 children in the form of group day care, pre-school, play school, and out-of-school care, as licensed and regulated by the Province of NL. A larger sized child care facility is a permitted commercial use.

Church means a facility and amenity buildings that provide for the assembly of persons of any denomination for religious, place of worship and charitable purposes; for the intent of this use, shall also include convents and monasteries.

Civic Use means a use providing for community and public use functions by federal, provincial and municipal governments, and also by a public school board, college board, or library board; includes municipal, provincial and federal offices, police stations and offices, schools, colleges, museums, libraries, community centres, public recreational facilities including arenas and exhibition grounds, correctional facilities, courts of law, municipal works yards, fire departments, emergency response facilities, Coast Guard facilities and similar public use facilities.

Climate Change represents the effects of global warming related to accelerated sea-level rise and changes in recent storm intensity and frequency, and the implications for Port au Choix.

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

Collector Street means a street that is designed to link local streets with arterial streets and which is classified as a collector street as part of the municipal road network.

Commercial Use means a use providing for the sale or rental of goods and services, for the provision of personal and non-personal service uses, or for the general servicing and repair of goods and vehicles; without limiting the generality of the foregoing, includes retail sales, shops, convenience stores, grocery and food stores, department stores and outlets, furniture stores, building supplies store, barbers, hair stylists, self-serve laundromats, dry cleaners, financial services, travel agent, offices, medical and health clinics, dental care, indoor recreation, civic

uses, personal care uses, for profit personal care facilities, hostels, hotels and motels, restaurant and café uses, licensed pubs, cabarets and lounges, club or lodge, grocery stores and bakeries, second hand stores, beverage container return centre, limited manufacturing, indoor commercial recreation and entertainment services, veterinary hospitals, funeral homes, taxi dispatch locations, auto sales, general garage, automotive repair of motor vehicles, and repair of utility trailers and light equipment, drive through restaurants, campgrounds, household and non-household services and repairs, service stations and gas bars, car wash, auctions, and similar commercial businesses available to the public; but excludes an adult entertainment use, industrial use, auto body repair, mini-storage, pawn shop and warehousing.

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

Commercial Outdoor Recreational Use means a commercial use providing for extensive open-air commercial recreation facilities and the minor retail sales and services customarily associated with such facilities: without limiting the generality of the foregoing, includes drive-in theatres, golf courses, driving ranges, sports clubs, rifle ranges, marinas and race tracks.

Commercial Residential Use represents a new land use consideration for Council for only those residential properties located immediately adjacent to existing commercial sites, to allow residential conversion of the house, under Building Code requirements, to allow for a commercial use restricted to a restaurant, office use and a hostel.

Community and Public Use has the same meaning and intent as the definition for Public Use within these Development Regulations.

Comprehensive Development Area means those large development sites within the Planning Area that are intended to be comprehensively developed in the future with a range and mix of land uses.

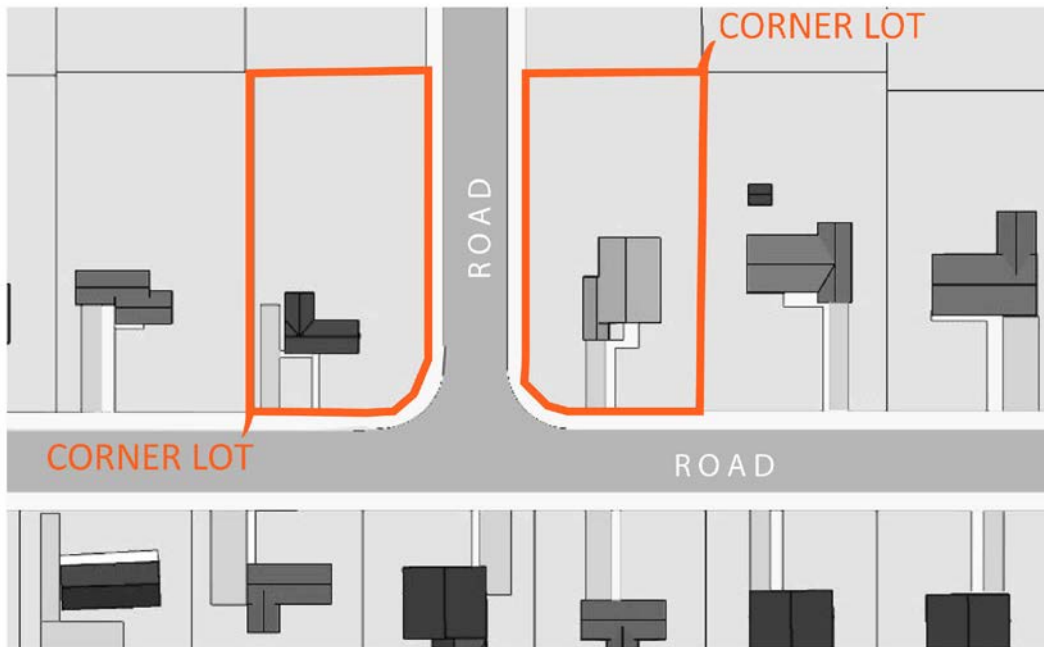
Conservation means:

- a. the preservation, protection and improvement of components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use;
- b. the wise management of the environment in such a way which will maintain, restore, enhance and protect its quality and quantity for sustained benefit to the community and the environment;
- c. the preservation, protection and/or improvement of the components of the natural environment through management and maintenance for both the individual and the community's uses, both in the present and in the future;
- d. the protection and care that prevents destruction or deterioration of historical, archaeological or otherwise significant structures, buildings, landscapes, sites, or natural resources.

Contractor Yards refer to the discretionary use of land where construction materials and equipment, and other private contractor materials, under specific conditions of use, are stored.

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

Corner Lot means a lot situated at the intersection of two or more streets, as illustrated by the attached sketch.



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

Council means the elected members serving on the Town Council of Port au Choix.

Covered Parking means a parking use, which is located within or under a building or structure.

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

D

Daycare Centre or Day Nursery means a child care commercial use located within a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the Day Nurseries Act, but does not include a school as defined by the Schools Act.

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

Density means a measurement of the intensity of use or development on a lot expressed typically by the number of residential units per acre of land that are permitted, or by the allowable building site coverage on a lot.

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

Designated land uses apply to the varied designated Municipal Plan map areas of the Town of Port au Choix for conservation, residential, commercial, industrial, community and public uses, rural, comprehensive development area and other land uses. The boundaries between the varied land uses designated on the Municipal Plan are meant to be general, except in the case of roads, ponds, streams or other prominent features, where the designations are intended to identify the precise location boundaries of each designated land use category.

Development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use, or the intensity of use of land, buildings or premises and the

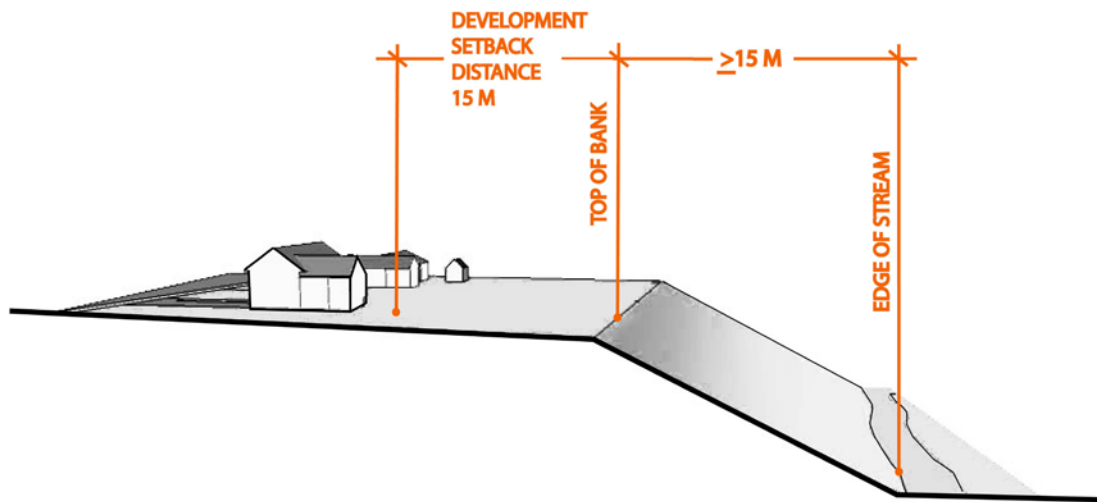
- (i) making of an access onto a highway, road or way,
- (ii) erection of an advertisement or sign,

- (iii) construction of a building,
 - (iv) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,
- and excludes the
- (v) carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
 - (vi) carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
 - (vii) carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose, and
 - (viii) use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

Developable Area means the area of a lot or property that may be built upon and developed, and does not include any pond, lake, stream, wetland, bog, marsh or other environmentally sensitive lands, and does not include the area of the property that is characterized by geotechnical limitations, unless certified by an engineer, and unstable soils, and does not include those portions of the property specifically excluded from land development in accordance with the provisions of the National Historic Site and other identified archaeological locations of Port au Choix.

Development Regulations means the regulations made under Sections 34 to 38 of the Urban and Planning Act, 2000, and these Development Regulations (2014-2024) shall mean the development standards, regulations and land use categories and requirements enacted by the Town of Port au Choix to manage land, land use, density, building development and other development activity.

Development Setback means that portion of a lot that is to be preserved as a natural undisturbed area from an Environmentally Sensitive Area or a water body within the Conservation use zone, and as prescribed in the Development Regulations in accordance with the required building setback distance intended for each type of land use for site development, as illustrated by the following sketch.



Discretionary Use means a use that may be considered by Council on a case specific basis, and that is listed within the discretionary use classes established in the individual zone categories of the Development Regulations.

Dog Kennel means a use accessory to a residential use for the quiet and managed accommodation of not more than five (5) dogs in a building, structure, compound or pen.

Double Dwelling means a residential use building containing two attached dwelling units located on one residential zoned lot, each with separate entrances, and each dwelling unit either placed one above the other, or side by side, but does not include a single unit residential dwelling containing a subsidiary apartment; the name of Double Dwelling within the Development Regulations shall be replaced with the term Duplex Dwelling.

Drive through Commercial means a commercial use that provides services and goods to customers where the customers have a choice to remain in their vehicle, and includes drive through restaurants, coffee shops, banks and similar uses.

Duplex Residential refers to a building containing two residential dwellings, but does not include a single unit home that contains a subsidiary apartment, and where the use was historically referred to as a Double Dwelling.

Dwelling Unit means a self-contained residential unit consisting of one or more habitable rooms, and equipped with a kitchen and washroom, and used or designed as the living quarters for one household.

E

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

Enclosed Storage means an accessory use providing for the storage of goods or things customarily associated with the primary permitted use of the property, and where such storage is completely enclosed within a building.

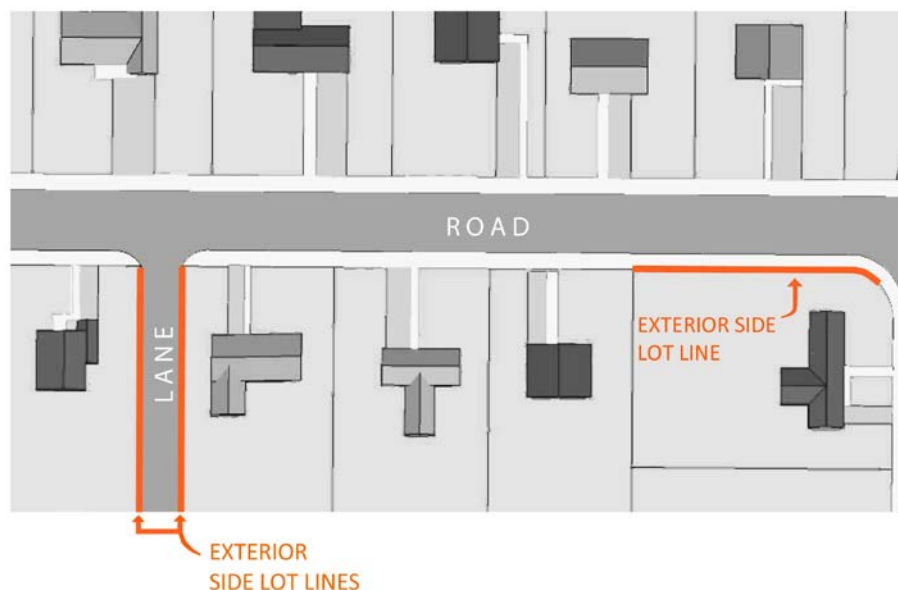
Engineer means a professional engineer employed or retained by the Town.

Entertainment and Recreation means a privately operated commercial use located within a building or structure for members of the public to engage in entertainment or recreation activities, and includes the operation of bowling alleys, indoor arena and skating rink, swimming facility, curling rink, movie theatres, music concerts, performing arts and similar entertainment activities.

Environmentally Sensitive Area means that portion of a lot or property that is precluded from development because of its ecologically sensitive features of a water body, endangered species or protected flora, or other natural systems or habitat, or due to the property location within a specified elevation of the high water mark of the ocean, or within an identified climate change risk area, as determined by Council, or by a professional biologist, or qualified environment representatives of the Province of NL or the federal Department of Fisheries and Oceans.

Established Grade, as applying to the determination of height, means the topography on the property after site construction, including the addition of fill material and removal of soil, and is represented by the lowest of the average levels of finished ground adjoining each exterior wall of a building, or the ground immediately surrounding a structure, except that localized depressions such as vehicle or pedestrian entrances need not to be considered in the determination of average levels of finished ground. Established grade, where used in reference to a building, is 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. Established grade, where used in reference to a structure that is not a building, is the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of an artificial embankment or entrenchment.

Exterior Side Lot Line means a property lot line that is neither a Front nor Rear lot line but is common to a street or lane, as illustrated in the following sketch.



E

Facility means land or a building, or any portion or combination thereof, used for a primary permitted, accessory or discretionary use of a property.

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

Family and Group Residential Care Facility means a licensed facility located within a detached residential dwelling, and established by the Province of NL for the group home personal care, supervision, social or educational training, or physical or mental rehabilitative therapy to not more than six (6) persons, and may include residential care of children and teenagers, specialized adult residential care, personal care to seniors. Subject to the client size limitation, this definition includes, but is not limited to, the facilities called "Group Homes", "Halfway House", and "Foster Home."

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

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

Fire Fighting Training refers to a discretionary use within the Community and Public Use zone wherein hazardous materials may, on occasion, be utilized.

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

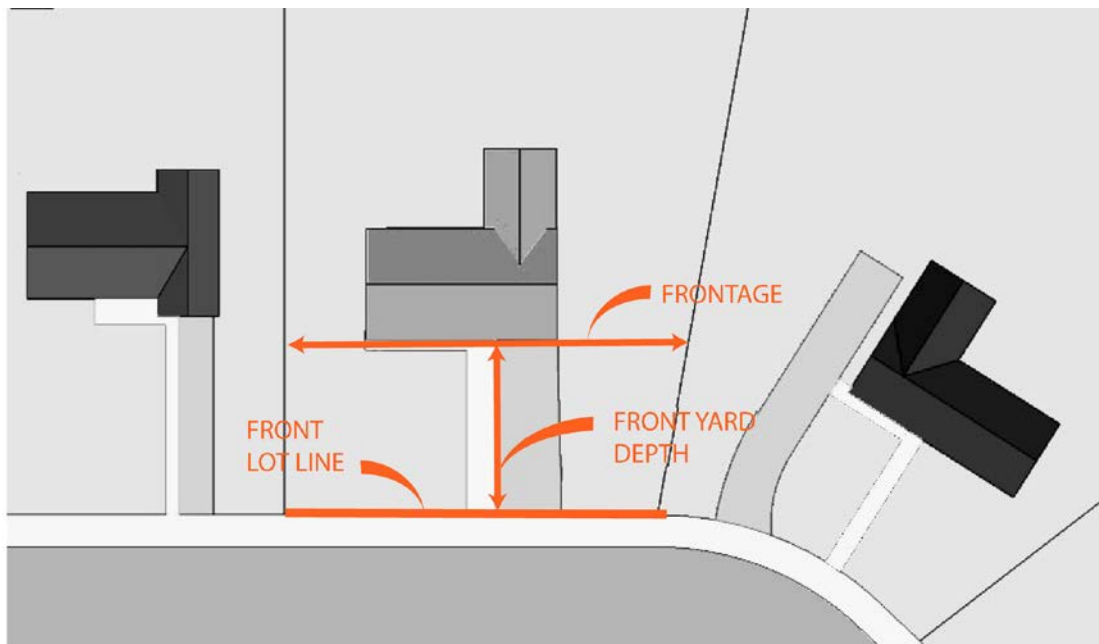
Flood Plain means an area of land at risk of flooding as defined by the Province of NL.

Floor Area means the total area of all floors in a building measured to the outside face of exterior walls.

Forestry means a resource use consisting of the extraction, cutting, grading, commercial harvesting and related processing of trees, silviculture, tree nurseries, and the use of land, buildings and equipment related thereto.

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, as shown by the following sketch.



G

Garage means a detached accessory building to a residential use or a portion of a principal residential building used solely for the parking or temporary storage of motor vehicles, and in which there are no commercial facilities for repairing or servicing such vehicles.

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

General Garage means a commercial use of land or buildings used exclusively for repair, maintenance and storage of motor vehicles, and may include the sale of gasoline, diesel and other petroleum products; excludes auto body repair.

General Industry refers to the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, or treating any article, commodity or substance. "Industry" shall be construed accordingly.

H

Hazardous Industry means the use of land or buildings for industrial purposes involving the use of materials or processes which because of their inherent characteristics, constitute a special fire, explosion, radiation or other hazard; includes the industrial stockpiling and storage of auto tires.

Hazard Lands refer to property at risk to land development and/ or habitation because of the property characteristics of geotechnical or soil stability concerns, severe slopes in excess of 20 %, floodplain area lands, fire interface high risk category lands, and similar property.

Health Care Facility refers to a public use facility that serves as the primary health, medical and emergency care center located within the community.

Height means the greatest vertical distance from Established Grade to the top most part of the building.

High Water mark has the same meaning as Natural Boundary, as defined in these Regulations.

Highway means any provincially owned street, road, lane, trail, bridge and any other way open to use of the public.

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

Hobby Greenhouse means an accessory building or structure to a residential use, made mainly of glass or plastic, for household cultivation of plants, including for food production, where the greenhouse structure does not exceed 16.0sm (172.2sf); excludes cultivation of mushrooms.

Home Based Business means an accessory business use to a residential dwelling unit where a resident conducts a profession or occupation that is clearly incidental to the primary residential use and is in accordance with the provisions defined by **Regulation 62** of these Development Regulations, and excludes adult entertainment, automobile repair and servicing, tow truck operations and similar other uses that are not in character with the residential use of the neighbourhood.

Hostel means a building containing a private room or dormitory form of commercial temporary guest accommodation with typically a shared kitchen, washroom and other amenities, and usually serving as lodging for hikers, bicyclists, campers, backpackers and similar travelers.

Hotel means a building containing commercial guest accommodation units, with interior access to the accommodation units, and including a lobby area for guest registration and a hotel administration office; may include complimentary uses such as a restaurant, licensed drinking facilities, entertainment, liquor sales, gift shop and retail sales, meeting and banquet rooms, and other amenity areas for guests.

Household Size refers to the average number of residents within one residential dwelling unit as determined by dividing the total population of Port au Choix by the total number of residential dwelling units located within the Town's Planning Area.

I

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

Industrial Resource means an accessory use associated a Resource Use; includes preliminary grading, sorting and processing operations of resource materials and more extensive manufacturing of the raw materials; activities associated with forestry, mining, oil and gas exploration and related activities, minerals and mineral working, gravel pits and quarries, and other resource industries.

Industrial Uses pertain to employment generating business uses of the fishery and fish processing, manufacturing activities and their related office uses, warehouse and wholesaling developments, assembling, high technology and similar light and heavier industrial uses.

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

Infill Lot means a lot which exists, or is created by further subdivision, potentially as a form of intensive residential development within an existing built-up and developed area.

Infill Residential use refers to a lot, which exists, or is created by further subdivision, as a form of intensive residential development within an existing built up residential area to create more affordability and more efficient use of the local land supply.

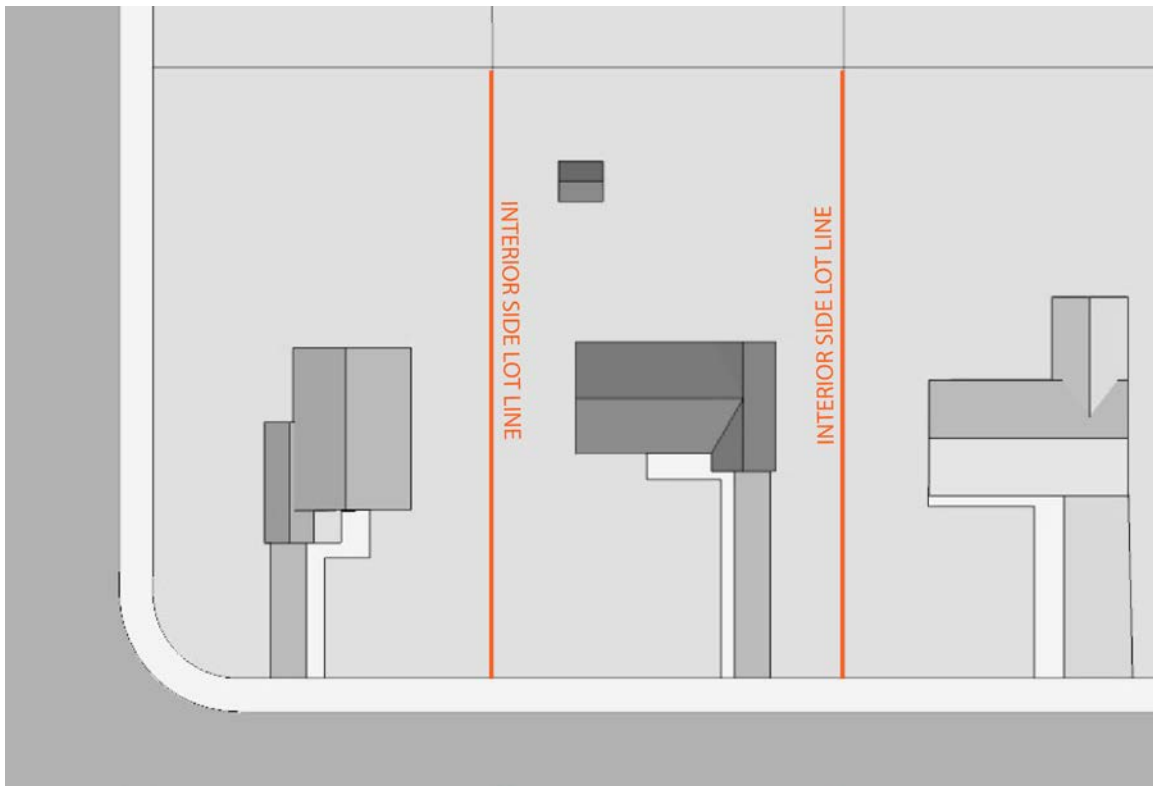
Inspector means any person appointed and engaged as an Inspector by the Town or by any federal or provincial authority or the agent thereof.

Institution means a building or part thereof occupied or used by persons who:

- i) Are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
- ii) Require special care or treatment because of age, mental or physical limitations or medical conditions.

Intensive Residential refers to an economically efficient use of the existing serviced residential area through development of incrementally higher density and more highly designed forms of housing.

Interior Side Lot Line means the lot line that is not the front or rear lot line and that is common to an adjoining lot, lane or walkway, as indicated by the following sketch.



K

Kennel, Commercial means an industrial use of land, building or structure for the breeding, boarding or training of more than five (5) dogs or cats for commercial purposes, and may include the business of grooming and sale of incidental grooming products, where no more than 16 dogs and/ or 20 cats over the age of 4 months are kept on the premises at any one time.

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

L

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

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

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

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

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

Limited Manufacturing means a small scale manufacturing use which is entirely enclosed within a building and where no outdoor storage of materials is permitted, and where the total work force is limited to eight persons, and where the discharge of noise, radiation, odorous, toxic or noxious matter, and similar impacts, across a lot line does not occur; and where the historical terminology for such use was Light Industrial.

Local Street means a street that is part of the municipal road network, designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles, intended to serve local residential and other land use areas, and connects to the more major municipal collector and arterial streets.

Lodging House means a residential dwelling in which at least 2 rooms are regularly rented as an accessory boarding use 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 of land within the lot lines of the lot, and often referred to as the size of the lot.

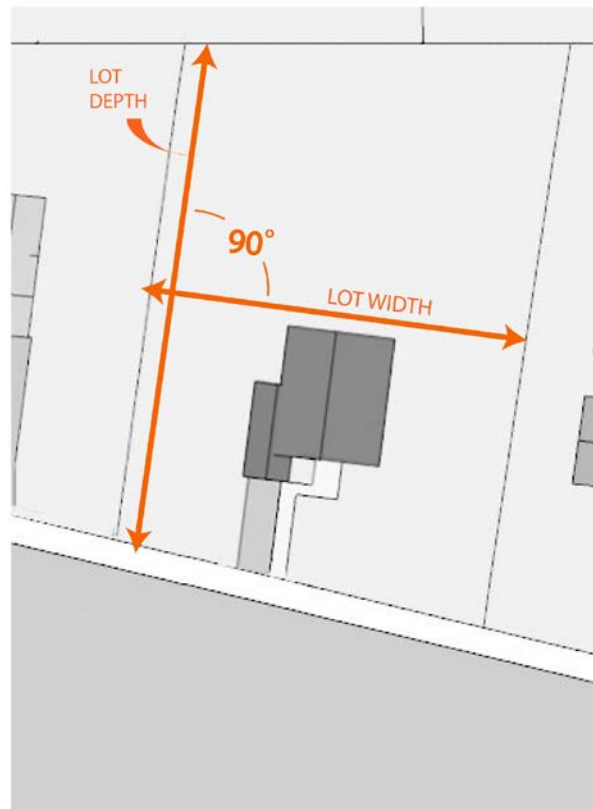
Lot Coverage means the combined area of all buildings on the lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.

Lot Depth means the shortest distance within the lot between the front lot line and the rear lot line.

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

Lot Line means a line forming a boundary of a parcel of land, and may be a front, rear, exterior or interior lot line.

Lot Width means the shortest distance between opposite side lot lines measured at right angles to the lot depth, as conveyed by the following diagram.



M

Marina means a waterfront commercial use that includes a dock with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including storage, sales and rentals, with or without a club house and catering facilities. It may also include a fishing stage or shed associated with a dock or wharf.

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

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

Mineral Exploration means an industrial resource use 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, and thereby may be regulated by the Town.

Mineral Working means land or buildings used for the working or extraction of construction aggregates, and where such use activities are addressed through **Regulation 58** of these Development Regulations.

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

Minimum Lot Size means the smallest area into which a parcel of land may be subdivided, or the smallest parcel size that is allowable within a zone category in the Town's planning regulations to pursue a specific density or type of land use.

Ministerial or Minister’s Regulations mean the Province of NL requirements for the Development Regulations created for NL communities under the Urban and Rural Planning Act (2000).

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

Mixed Development zone represents an historic area of development commencing on the Gargamelle approach to the Town where the primary permitted use of a single family residential home had been mixed through discretionary use consideration of a diverse range of commercial, industrial, civic, cultural, recreational and hazardous industry uses; new Mixed Development zone uses are more streamlined, yet still reflect a mixed use approach to development.

Mobile Home means a transportable factory-built single-family dwelling unit:

- i) 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;
- ii) Which is designed to be:
 - Transported by truck or on its own wheels and chassis to an existing or approved mobile home lot, and subsequently supported on a permanent foundation and skirted in a complimentary fashion to the exterior cladding of the mobile home; and,
 - Connected to exterior public utilities approved by the Town, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term residential occupancy.

New mobile home uses shall be restricted to those locations with existing mobile homes.

Mobile Home Park means a mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator where individual mobile home lots are

rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Town.

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

Modular Home means a single family residential dwelling built in a factory in accordance with CSA standards, and intended for transport to a residential lot, and after proper installation on a permanent foundation and connected to municipal infrastructure and other utility services, it is for use as a year round principal residence; and excludes mobile home.

Motel means a commercial guest accommodation facility where all of the units are either accessed from the exterior of the building, or from a common hallway within the interior of the building, and may include an office motel administration, restaurant, licensed lounge, entertainment uses and other amenity areas for guests.

Motor Vehicle means a motor vehicle defined in the Motor Vehicle Act.

Multi Unit Residential means a use of land for higher density residential development of three or more residential units on one lot, and required to provide a higher level of design attention to the site and building layout and appearance; includes apartments and townhouses, and excludes single family residential, subsidiary apartments and row houses.

Municipality as defined in the *Municipalities Act, 1999*, refers to the local government authority, as represented by Town Council.

Municipal Plan means the land use planning policy document and maps of Town Council as prepared in accordance with the NL Urban and Rural Planning Act (2000).

N

National Historic Site refers to the Parks Canada designated Port au Choix National Historic Site of Canada and the archaeological significance of the area. The National Historic Site is located on the western edge of the Town and is zoned as a Conservation to be protected and preserved.

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

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

Newfoundland and Labrador is also referred to as NL.

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.

O

Office Use means a use providing for administrative, governmental, professional services and general office functions, and includes accounting and bookkeeping, insurance, advertising,

architectural, engineering, geological, planning and design, surveying, attorney, counseling, court reporting, data processing, scientific and research, employment agency, social services, public relations and consulting, realty office and similar office uses; excludes tow truck offices and storage compounds, and manufacturing and storage of any product for sale.

Off Street Parking means an accessory use for a parking area, which is designed to accommodate vehicles associated with a permitted use on a lot, and in accordance with the provisions of **Schedule D** of these Development Regulations. The front lawn and yard area of a single-family residential home use, with or without a subsidiary apartment, shall not be used for Off Street Parking.

Off Street Loading means an accessory use to a commercial or industrial use wherein provision is to be provided to enable the unloading and loading of supplies and other delivery materials to a principal use activity.

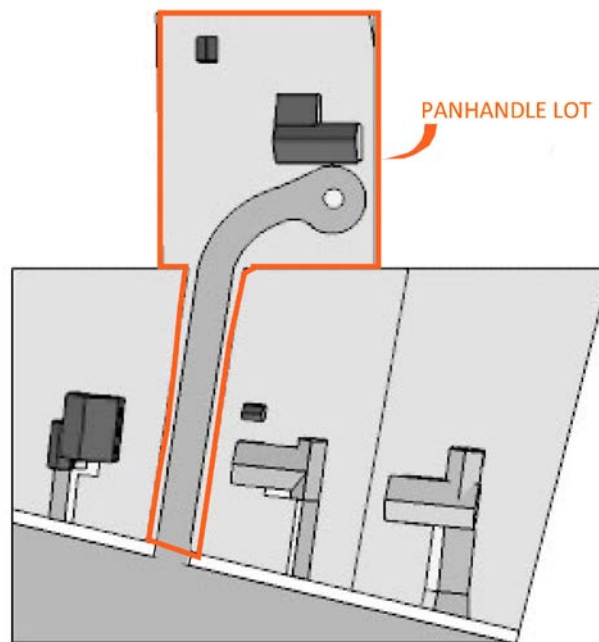
Open Space means an environmentally sensitive area, an outdoor area of scenic or natural features, a landscaped buffer area or a reserved passive area on a portion of a lot that does not include those areas of site development required for a setback, parking, storage, or circulation, or preserved lands that incorporate pedestrian walking and other alternative mobility routings on the edges of the natural Open Space lands.

Outdoor Amenity Space means an area, or multiple areas, within a Multi Unit Residential and other developments that is to be provided by the developer on the basis of a minimum of 25.0 sm (269.1 sf) per dwelling unit as part of site planning design, and intended for convenient use of its occupants for outdoor recreation and leisure activities, and may include shade and bench areas, vegetable garden areas, water features and active use areas for exercise activities such as a playground equipped children's play area.

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

P

Panhandle Lot means a parcel of land, often referred to as a ‘flag lot’ within the context of ‘back lot development’, created through subdivision where safe and legal access from a street to the building area is gained by way of a narrow width elongated strip of land forming part of the lot, where such panhandle access dimensions and driveway construction standards are in accordance with the Development Regulations, and as illustrated by the following sketch.



Parent Parcel means the original parcel of land that was, or is proposed to be, the subject of a plan of subdivision.

Park means a land area preserved for the ongoing active and passive recreational needs of residents of the community, and excludes golf courses, outdoor amenity space, open space and environmentally sensitive areas.

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

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

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

Permitted Use means a use that is listed within the permitted use classes set out in the use zone tables of the Town of Port au Choix's development regulations.

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

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

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

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

Place of Worship carries the same meaning as a Church.

Planning Area (Municipal) as established by Section 11 of the Urban and Rural Planning Act refers to the defined geographical area wherein the Municipality has the responsibility to plan for and to manage the use and density of land use activities. The Municipal Planning Area for the Town of Port au Choix does not extend beyond its Municipal Boundary area.

Principal Building means a building or structure containing the principal use, where all portions of such building or structure share a common foundation, wall and roof structure, and such building is commonly referred to as the main building on the lot.

Principal Use means the primary permitted use and main purpose for which the land, buildings and structures within a single lot are to be used, as defined by the land use zone categories of the Development Regulations.

Produce Sales means an accessory use providing for the incidental retail sale of agricultural products, fruits and vegetables that are produced on the same lot or an adjacent lot owned by the same owner, and where the agricultural activity occurs.

Protected Public Water Supply Area refers to the watershed geographical area that influences the Town's Protected Water Supply Areas, and the Waterhouse Pond, Beaverhouse Pond, and Middlehouse Pond, as wellheads for the municipal water supply.

Pub means a commercial use providing for the sale and consumption of alcoholic beverages and food in an establishment licensed under the *Liquor Control Act*, where entertainment may be provided; includes a tavern.

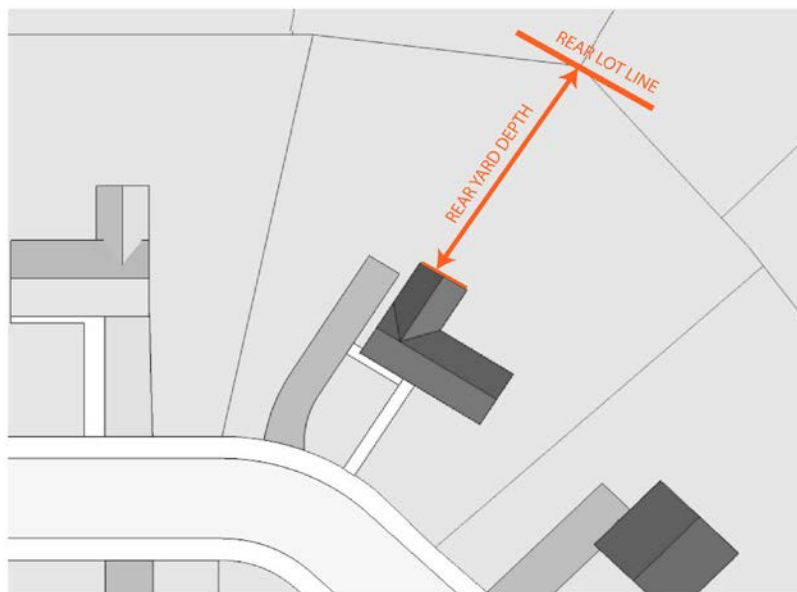
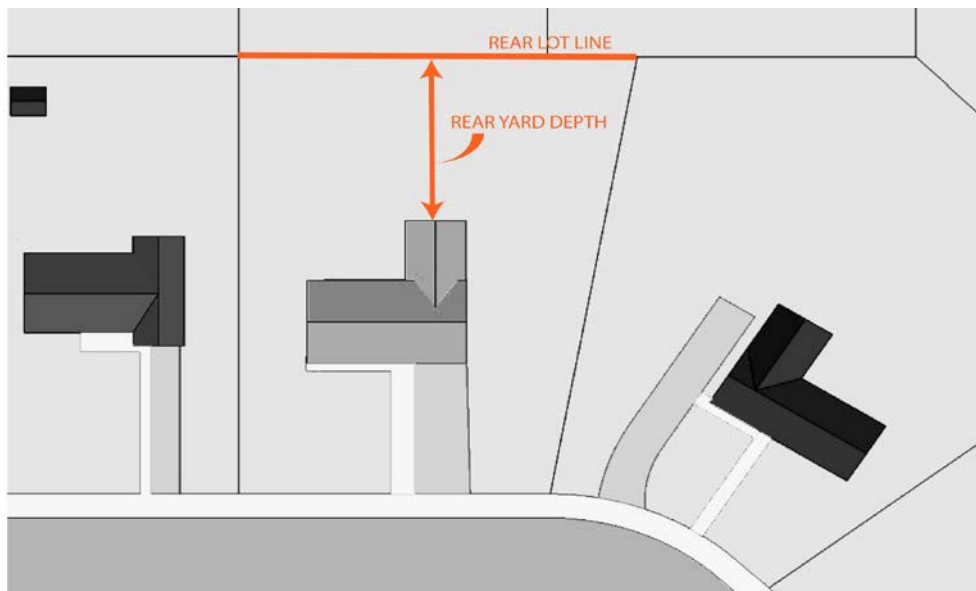
Public Utility Use is a use providing for water, sewer, drainage and similar utilities, and for additional infrastructure services by the Town, other Authority, or private utility company and includes garbage dumps, refuse disposal site and incineration operations, recycling depot, mortuary/crematorium, animal pound, cellular telephone towers, broadcast transmission facilities, transmission substations, pumping and booster stations, public works yards, and similar facilities, and provides for easements and rights of way for such services.

Public Use means a use that primarily provides for a significant government function or service, for public assembly and for educational facilities, and includes public schools, municipal offices, correctional, prison and detention facilities, police and emergency service offices, fire departments, public works operations, cemetery, sports playing fields, and parks, and also includes community care facilities such as health clinics and blood donor clinics.

R

Rear Lot Line means the lot line opposite to and most distant from the front lot line, or, where intersecting interior side lot lines bound the rear portion of the lot, the rear lot line shall be deemed to be the point of such intersection.

Rear Yard Depth means the distance, as illustrated by the following sketch, between the rear lot line and the rear wall of the principal building on the lot, as illustrated by the following two sketches. Rear yard depth shall also be identified for an accessory cottage residential use.



Recreation and Open Space refers to land reserved and preserved for outdoor activities such as pedestrian trails, parks, a municipal campground, athletic playing fields, and scenic vistas.

Recreation Vehicle means a vehicle designed as a temporary dwelling for travel, recreational, and vacation use, and which is either self propelled or mounted on, or pulled by another vehicle, and includes a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer, camper van, converted bus and boat. It is not permitted to use a Recreation Vehicle as a permanent dwelling within the Town of Port au Choix.

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

Registration is the final legislative review process whereby a Municipal Plan and Development Regulations are deemed not to be contrary to provincial policy or law and are registered by the Minister of Municipal and Intergovernmental Affairs. Notice of registration is to be advertised; the planning documents take legal effect upon publication in the NL Gazette.

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

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

Residential, Cottage allowed as a discretionary use, refers to an accessory dwelling unit comprised of floor area for sleeping accommodation, a kitchen and a full bathroom, and connected to municipal water and sewer services, sited on a poured concrete slab or foundation, provided with an approved road access and with provision for storm water drainage, and located in the rear yard area of an oversized single family residential lot to meet the emerging needs of the community for tourism, elderly care and affordable rental housing.

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

Residential, Seasonal means a discretionary residential use of one dwelling unit for temporary seasonal accommodation in a smaller cabin or cottage structure, and typically sited in rural locations, and not situated within a designated floodplain area or watershed area, and where such use is not intended as permanent living quarters; includes summer, hunting and fishing cabins.

Residential, Single Unit means a residential use of one dwelling unit on a lot in the form of a typical detached residential house or modular home, of varied building size, and used exclusively by one family and/ or household for residential purpose, and on residential lots of varying parcel size densities as identified by the Development Regulations.

Residential, Two Units means a residential use of two attached dwelling units on a lot, each with separate entrances, and often referred to as duplex residential units, but not including a single family residential use with a subsidiary basement apartment.

Residential, Townhouse means a highly designed and landscaped residential use located within the urban serviced area and consisting of three or more dwelling units on a lot or site that may be either attached or detached residential dwelling units, and if attached, there shall be a maximum of six attached dwelling units; each dwelling unit with a Townhouse Residential Use shall have a private entrance and direct ground level access to the outside and to private open space other than a balcony or sundeck.

Residential Use means an approved dwelling unit use on a residential zoned property providing for accommodation and home life of a person or persons as a family or not, within either a single unit house or a higher density form of residential dwelling.

Resort refers to a potential commercial use for the Town wherein a building and site destination development for holiday travel for tourists and visitors is pursued and may include a hotel and similar accommodation, and related high quality site amenities.

Resource Use means a use providing for the conservation, management, and extraction of primary forest materials, aggregates, fishing, agriculture and other such primary industry resources and excludes all manufacturing and processing except as permitted by these Development Regulations. Resource activity uses will be considered as discretionary uses within the Rural zone category of these Development Regulations.

Restaurant means a commercial establishment where meals and/or refreshments are prepared and served for consumption on or off the premises; includes cafes, tearooms and outdoor cafes.

Retail Use refers to a commercial business that provides for the sale of goods and items directly to the consumer, where typically the consumer is able to hold, carry and/ or remove the tangible goods that were purchased directly from the business.

Rural means the outlying geographical area that is located within the Town's Municipal Planning Area boundaries but is not serviced with municipal services of water and sanitary sewer.

S

Salvage means a Rural discretionary use relating to the stripping and sales of motor vehicle parts, sales of used building materials, and the storing, wrecking, demolishing, crushing, piling and similar operations of motor vehicles, machinery and other equipment which is considered as no longer useable.

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

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

Second Hand Store means a commercial retail use of the sale of previously used merchandise such as clothing, household furnishings and appliances, sports and recreational equipment, and the like; excludes sale of second hand motor and recreational vehicles.

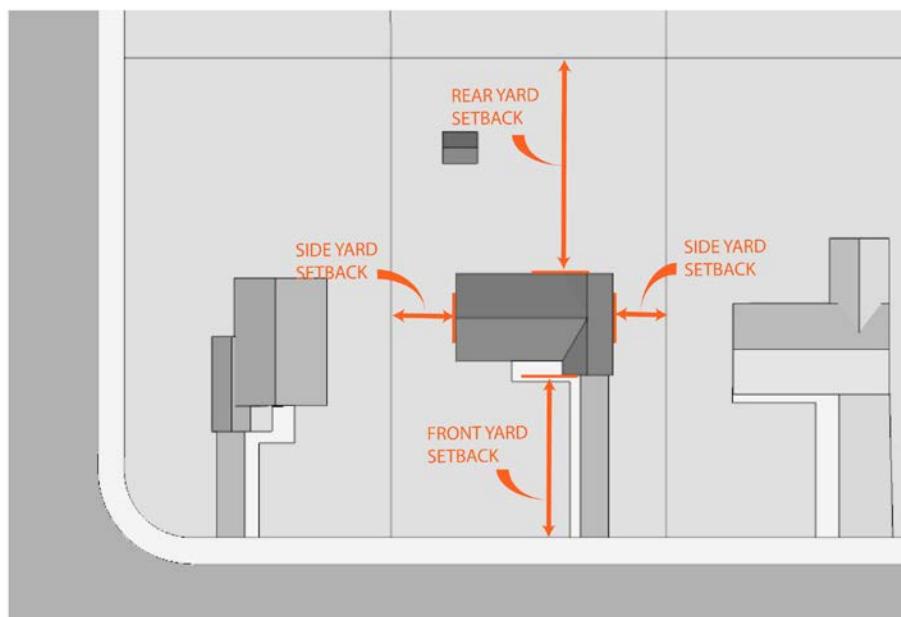
Security Fence means a fence intended to prevent access to hazardous or environmentally sensitive areas, or to prevent trespass.

Seniors Care refers to a government facility for the residential care of elderly and seniors.

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, and used in accordance with the provisions of **Regulation 75** of these Development Regulations.

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

Setback means the horizontal minimum separation distance between a building or structure on a lot and a front, rear or side lot line, as illustrated by the following sketch, or also meaning the separation distance that is to be maintained for development from the top of bank of an environmentally sensitive area or waterbody.



Septic Effluent Disposal System refers the on-site development of a provincially approved system of a septic effluent receiving tank, piped distribution system and an effluent disposal in-ground field.

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

Shop means a building or part thereof used for commercial 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 commercial uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

Side Yard Width means the distance between the side lot line and the nearest sidewall of a building on the lot.

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

Sign means a word, letter, model, placard, board, 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. The use of Signs shall be in accordance with the provisions of **Part IV Signs and Advertisements** of these Development Regulations.

Site Plan means a mapping information document, drawn to scale, that is to be submitted as determined by the Town for all applicable land development proposals such as cottage residential and more significant large site developments, and that in a minimum clearly identifies the developable area of a site and the proposed development on a property, and may also include where applicable, the physical design and dimensions of proposed and existing buildings and structures, existing topography and proposed elevations, environmental sensitive areas, hazard lands, treed locations and trees to be preserved, lot grading, existing municipal services, proposed drainage, interface with adjacent properties and including proposed building setbacks, any rights of way and easements, proposed landscaping, fencing and screening improvements, vehicular and pedestrian access, other site improvements, and the interrelationship of these elements, and other site development information as required from an applicant by the Town to sufficiently review and consider the proposal.

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

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

Storey means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it; for the purposes of determining height within the Development Regulations, a basement of a building is not considered a storey when the finished

floor elevation of the basement is greater than 0.3 meters (0.98 feet) below the average finished grade.

Storey, First means the storey having its first level not more than 1.2 m (3.94 ft) above the established grade.

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.

Street Line means the edge of a street reservation as defined by the authority having jurisdiction.

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

Subdivision means the dividing of land, whether in single or joint ownership, into two or more parcels of land for the purpose of development, and in accordance with the permitted minimum lot area sizes of the applicable zone where the land is located.

Subsidiary Residential Apartment means an accessory use to a single family residential use for a secondary residential dwelling unit that is contained entirely within a principal residential dwelling unit, has its own external access to the outside and is separated from the principal dwelling by an approved Canadian Building Code firewall separation.

Sustainable Development is a land use planning approach that identifies and preserves environmental lands before determining the use of and density of other lands for development, and where such development contributes both positive short term and longer range environmental, economic, social and cultural benefits to a community.

Swimming Pools represent a discretionary accessory use considered on the basis of secure fencing and locked entrance access provided for the swimming pool by its owner.

I

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.

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

Tavern 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; includes a pub.

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

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

Top of Bank means the point closest to the natural boundary of an environmentally sensitive area where a break in the slope of land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15.0m (49.2ft) measured perpendicularly from the break. The setback distance for development from an environmental sensitive area shall be a minimum of 15.0m (49.2ft) from Top of Bank, as indicated by the following sketch.

Town as defined by the Municipalities Act, 1999, means the Town of Port au Choix, including both Town council and Town staff; **town** also means the physical place and area of the community.

Trail represents a formal or informal recreational or traditional pedestrian walking or bicycle route from a street to a natural vista or similar local destination.

Transportation uses refer to local docks and marine harbour uses, and the airfield.

U

Undevelopable Area, or non developable area, means any portion of a lot that contains, or is located adjacent thereto, a pond, river, stream, ocean, bay, wetland or marsh and a portion of the property is deemed as an environmentally sensitive area, or that contains hazard lands of any land area of the lot characterized by geotechnical limitations of unstable soils and slopes in excess of 20%, any portion of the lot with archaeological areas of significance, any utility easement and rights of way corridors, required development setback areas and other portions of the lot as determined non developable by the Town, are individually and collectively deemed as not available for land development; property owners seeking to refine the extent of the identified Undevelopable Area shall provide supportive property assessment and recommendations from relevant professionals such as a biologist or geotechnical engineer for consideration and review by the Town.

Unenclosed Storage refers to an accessory use for the outdoor storage of goods and materials associated with the primary permitted use of the property, and limited to a maximum storage area of a percentage of the area size of the principal building on the lot; all new Unenclosed Storage uses are intended to be screened from public view.

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

Urban means that area of the community where municipal services are available, and the part of the community that provides for an urban density form of development for residential, commercial, industrial, and other land uses.

Urban Development Area refers to that geographical area of the Town that is either serviced, or capable of being serviced, with full municipal services of piped water, sanitary sewer and storm drainage, and other utility and community services, and wherein the highest density of land uses within the Town are permitted to be developed in accordance with the provisions of these Development Regulations.

Use means a building or activity situated on a lot or a development permitted on a lot.

Use Zone or **Zone** means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.

V

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.

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

Vendor Stand means a portable and temporary downtown commercial use that is removed each evening, approved by the Department of Health officials and licensed by the Town, for the sale of the limited food items such as hot dogs and similar convenience foods.

W

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

Warehousing Use means an industrial use of buildings for storage, distribution and wholesaling of large quantities of goods.

Water Body refers to the ocean or a pond, stream, bay or other similar natural water feature.

Water Protection Area means those designated land areas of the Town that are protected from land development to preserve the integrity of the community's water supply area.

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

Watercourse means any natural or manmade depression with well defined banks below the surrounding land area, and serving to give direction to a current of water at least six months of the year, and shall have the same meaning as a permanent stream.

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

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

Wind Turbine refers to an electrical generating facility that may be considered by the Town as a new land use activity through consideration of establishing a new land use category of Resource

Generation at some point in the future. A Wind Turbine proponent will need to make application to the Town and pay for related costs to create the potential new Resource Generation zone category as in substantial conformance to **Regulation 83** of these Development Regulations.

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

Y

Yard means that area of a lot created by a setback.

Z

Zone means a defined area, including land and water, to which a uniform set of development regulations pertaining to permitted land uses, density of use, conditions of use, and site development standards apply.

Zoning Map means the map or maps attached to and forming part of these Development Regulations.

SCHEDULE “B” – USE ZONE CATEGORIES

1. Establishment of Zones

For the purpose of the Development Regulations (2015-2025), the Town of Port au Choix has established varied land use zone categories for the regulation and management of the use and density of land within the Town’s Planning Area. This **Schedule “B”** lists and identifies the varied land use zones that are to apply.

The individual land use zone categories identify the permitted, accessory, discretionary and where applicable prohibited uses, as well as conditions of use, development standards, and other requirements to fulfill the uses allowed within the zone category. Permitted uses within each zone may also be interpreted by the Town through the definitions provided.

No land use or development activity within the Planning Area shall be pursued except in accordance with requirements with the outlined Use Zones and other provisions of these Development Regulations, or as otherwise considered for a Variance or other approval by the Council of the Town of Port au Choix.

2. Zone Boundaries

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

3. Interpretation of Uses

Schedule A - Definitions represents the key implementation tool of the Development Regulations to interpret the uses to be permitted within the various land use zones. Where there is no succinct definition to determine where and in what zone a specific use should be allowed, or how other provisions of the Development Regulations are to be interpreted, the designated staff of Town Council shall make such interpretation. Town Council shall retain final approval of such aspects of interpretation of the Development Regulations.

4. Uses Permitted in All Zones

The following uses are permitted in all zone categories:

- i) Public Services and Public Utilities Uses in accordance with **Regulation 73** of these Development Regulations.
- ii) A designated historic building or archaeological site.
- iii) A legally non-conforming use existing within a zone area at time of registration and effect of these Development Regulations.
- iv) Artist Live/Work Studios as a Discretionary Use.

5. Use Zone Categories

The following use zone categories, and their abbreviated equivalent terms, shall apply:

Zone Name	Abbreviated Zone Name
Single Unit Residential	RES
Mixed Development	MXD
Commercial	COM
Industrial	IND
Rural	RUR
Recreation Assembly	REC
Community and Public Use	CPU
Conservation	CON
Protected Public Water Supply	PPWS
Comprehensive Development Area	CDA

ZONE I – SINGLE UNIT RESIDENTIAL ZONE (RES)

1.01 Zone Intent

The intent of the RES Zone is to provide for a diverse form of housing choices within the serviced area of the Town, ranging from infill residential lots for single unit detached residences to traditional sized lots to two unit duplexes and residential care homes, with compatible accessory and discretionary land uses, and based upon specific housing types having a minimum lot area size, and applicable development standards, conditions of use and other requirements.

1.02 Servicing

All new residential development within the RES zone shall be fully serviced by the developer with municipal infrastructure of water, sanitary sewer, storm water, paved road access and other services as deemed required by the Town.

1.03 Uses of Land

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

Principal Uses

- *Single Unit Residential*
- *Infill Residential (subject to Regulation 1.04 (2) Conditions of Use)*
- *Duplex Residential (subject to Regulation 1.04 (3))*
- *Family and Group Residential Care Facility (subject to Regulation 1.04 (4))*
- *Modular Home*
- *Personal Care Home*
- *Recreation and Open Space*
- *Townhouse*

Discretionary Uses (subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124.)

- *Apartment Buildings (subject to Regulation 1.12)*
- *Church*

- *Contractor Yard (subject to Regulation 1.04 (8))*
- *Home Based Business for Child Care (subject to Regulation 1.04 (9))*
- *Artist Live/ Work Studio (subject to Regulation 1.04 (10))*
- *Swimming Pool*

Accessory Uses (only if accessory to a use that is permitted or allowed by discretion of Council)

- *Accessory Building, including Garage, Hobby Greenhouse (subject to Regulation 1.06 Accessory Buildings)*
- *Boarding (subject to Regulation 1.04 (4))*
- *Dog Kennel (subject to Regulation 1.04 (5))*
- *Enclosed Storage*
- *Home Based Business (subject to Regulation 1.04 (6))*
- *Off Street Parking*
- *Subsidiary Apartment (subject to Regulation 1.04 (7))*
- *Residential Cottage Unit (subject to Regulation 1.11)*

1.04 Conditions of Use

- 1) All new development within each zone shall comply with the development standards for lot coverage, minimum building footprint and floor area, minimum lot frontage, minimum lot depth, building setbacks to property lines, height of buildings and accessory buildings, landscaping, parking and other defined requirements in accordance with the provisions of these Development Regulations.
- 2) Infill Residential shall be based upon a minimum lot size area of 372.0 sm (4004.3 sf), and shall be subject to site and building design guideline review.
- 3) Duplex Residential shall be based upon a minimum lot size area of 790.0 sm (8503.7 sf), and shall be subject to site and building design guideline review.
- 4) There shall only be one of either a Family and Group Residential Care Facility, Boarding use, or a Home Based Business Use for Bed and Breakfast where approved, and shall only be permitted within a Single Unit Residential use.
- 5) A Dog Kennel use shall only be permitted on RES zoned properties greater than 740.0 sm (7965.5 sf) in lot area size.

- 6) All Home Based Business uses shall make application to the Town for consideration of approval to locate on any lot zoned as RES.
- 7) A Subsidiary Apartment shall only be permitted within a Single Family Residential home; subsidiary apartments shall not be permitted within the individual units of duplex residences.
- 8) A Contractor Yard as an accessory Home Base Business within a residential neighbourhood shall be limited to the amount of construction materials, equipment and vehicles able to be stored at any one time, as per definition of **Part VII**.
- 9) A Discretionary Use for a Child Care use shall only be considered on an oversized lot that is 1.2 times larger in area size than the minimum lot size of the RES zone, so as to provide for adequate outdoor yard play space.
- 10) An Artist Live/ Work Studio shall be considered as a Discretionary Use on the basis of full servicing if a residential use component is to be pursued, adherence to intent of **Schedule “C”** design guidelines, a minimum building floor area of 42.0 sm (452.1 sf), submission of Site Plan information and consideration of fit with the neighbourhood.
- 11) All new mobile homes within the RES zone shall only be permitted in residential neighbourhood locations where existing mobile homes currently exist.

1.05 Development Standards

Each housing type on each new lot within the RES zone shall have the minimum lot area sizes and maintain the minimum development standards, and maximum standards, as outlined as follows:

Development Standard	Single Unit	Infill Residential	Duplex Residential
Lot Area:	470.0 sm (5059.2 sf)	372 sm (4004.3 sf)	790 sm (8503.7 sf)
Lot Frontage:	16.5 m (54.1 ft)	15.0 m (49.2 ft)	22.0 m (72.1 ft)
Lot Depth:	28.5 m (93.5 ft)	24.0 m (78.7 ft)	33.0 m (108.2 ft)
Building Floor Area:	60.0 sm (645.8 sf)	56.0 sm (602.7 sf)	70 sm (753.5 sf) (minimum) 120 sm (1291.7 sf) (maximum)
Building Line Setback:	5.0 m (16.4 ft) (minimum) 7.5 m (24.6 ft) (maximum)	5.0 m (16.4 ft)	6.0 m (19.68 ft)
Interior Lot Line Setback:	2.0 m (6.56 ft)	2.0 m (6.56 ft)	2.0 m (6.56 ft)
Exterior Lot Line Setback:	4.0 m (13.12 ft)	4.0 m (13.12 ft)	4.5 m (14.76 ft)
Rear Yard Depth:	12.0 m (39.37 ft)	7.5 m (24.6 ft)	10.0 m (32.8 ft)
Building Height:	11.0 m (36.08 ft)	11.0 m (36.08 ft)	11.0 m (36.08 ft)

1.06 Accessory Buildings

- 1) Accessory buildings in all Residential and other zones shall maintain a minimum setback distance to an interior side and rear lot line of 1.5 m (4.92 ft), and a minimum setback of 4.0 m (13.12 ft) to an exterior lot line.
- 2) No accessory building, shall be permitted within the front yard area of any Residential or other zoned property.
- 3) Accessory Buildings shall maintain a minimum separation distance of 3.0 m (9.84 ft) from the principal building on a lot.
- 4) Where an accessory building cannot meet the siting criteria of this Section, the accessory building may only be located in the rear yard area of the lot.
- 5) The maximum accessory building height shall be 5.0 m (16.4 ft), and no accessory building shall exceed the height of the principal structure / residence.

1.07 Lot Coverage

Together with accessory buildings and a garage, and the residential dwelling units, the maximum building area coverage shall be no more than 40% of the lot area for all housing types within the RES zone.

1.08 Building Height

The maximum permissible building height of single unit residential dwelling, and residential dwellings for infill, duplex, artist live/work studio and mobile home (where permitted) uses in every zone, where so permitted, shall be 11.0 m (36.08 ft).

1.09 Landscaping and Site Design

- 1) The Town may require that a certain portion of a site for an Infill Residential and Duplex Residential use be suitably landscaped in order to give a pleasant and uniform appearance to an area. A landscaping plan may be required in an application for such development.
- 2) For consideration of an infill and/ or duplex residential lot, building appearance shall be in accordance with the applicable design guidelines of **Schedule C** of these Development Regulations.
- 3) Unenclosed storage may not be placed within the front yard area of any residential lot.

1.10 Off Street Parking

Off street parking for each housing type shall be in accordance with the applicable requirements of **Schedule D** of these Development Regulations.

1.11 Residential Cottage Unit

A Residential Cottage Unit may be considered as a Discretionary Use (in accordance with Residential Policy 5.2.4 of the Municipal Plan), subject to the applicable discretionary use requirements (subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124), and subject to the following criteria:

- minimum parent property size of 670sm (7212sf),
- backyard siting layout of the new accessory dwelling in consideration of subject property, and the impact and compatibility to adjacent and nearby lots,
- minimum Cottage floor space of 32.5sm (350.0sf),
- connection to piped municipal water and sewer services,
- provision for full bathroom and kitchen facilities within the Cottage dwelling,
- provision of appropriate parking to accommodate the full needs of the principal residence, along with the residential cottage unit,
- consideration of public input/ public consultation comments, and
- other conditions as determined and specified by Council.

1.12 Apartment Building

An apartment Building may be considered as a Discretionary Use (subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124), subject to the following criteria:

- minimum frontage of 30 m,
- minimum building line setback of 9 m,
- minimum side yard width of 8 m,
- minimum rear yard depth of 12 m,
- maximum building height of 12 m.

-ZONE II – MIXED DEVELOPMENT ZONE (MXD)

4.01 Zone Intent

The intent of the Mixed Development Zone is to recognize and maintain the historical diverse mixed-use pattern of growth adjacent to Fisher Street and Woodland Road, and within the MXD zoned Fisher Street waterfront precinct.

4.02 Servicing

All residential, commercial, industrial and other permitted uses within the MXD zone shall be fully connected to municipal water and sewer, provision for storm water services, and shall have direct access to a public street. Where municipal servicing is not available to an MXD zoned property, an on-site source of domestic water of sufficient quality and quantity shall be provided, and approval from the Province for an on-site sewage disposal system will be required.

4.03 Uses of Land

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

Principal Uses

- *Single Unit Residential*

Accessory Uses

- *Subsidiary Residential Apartment*
- *Accessory Building (subject to Regulation 1.06)*
- *Enclosed Storage*
- *Garage*
- *Hobby Greenhouse*
- *Off Street Parking*
- *Off Street Loading*
- *Unenclosed Storage (subject to Regulation 4.04 (2) Conditions of Use)*
- *Contractor Yard (subject to Regulation 1.04 (10) and 4.03 (3))*

Discretionary Uses *(subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124.)*

- *Home Based Business (subject to Regulation 4.04 (3))*
- *Assembly*
- *Civic*
- *Commercial (subject to Regulation 4.04 (4), (7) and (8))*
- *Industrial (subject to Regulation 4.04 (5), (6), (7) and (8))*
- *Apartment*
- *Convenience Store (subject to Regulation 4.04 (9))*

4.04 Conditions of Use

- 1) All uses and buildings for site development within the MXD zone, shall comply with the cited development standards within their applicable use zone category for lot coverage, minimum building footprint, minimum lot frontage, minimum lot depth, building setbacks to property lines, height of buildings and accessory buildings, landscaping, parking and other defined requirements in accordance with the provisions of these Development Regulations.
- 2) Unenclosed storage shall not become a dominant use on a MXD property and shall not become unsightly or a nuisance to adjacent residential uses. Such storage shall be limited to less than 15% of the floor area of the principal building on the site that is to be used for storage.
- 3) Home Based Business uses that are compatible with the adjacent residential neighbourhood and do not at any time constitute a nuisance will be considered on the following basis:
 - *The business activity shall be conducted by a resident of the residential dwelling on the subject property;*
 - *The business use may occur on a residential lot or in an accessory building;*
 - *A light industry activity shall be limited to the manufacture and ancillary retail sale of goods produced or repaired on the residential lot;*
 - *A hazardous industry use shall be limited to one auto body operating bay not more than 45.0 sm (484.4 sf) in floor area;*

- *Contractors yards shall be limited to a maximum of two pieces of equipment and one construction vehicle that are stored within screened side or rear yard areas of a lot, excluding one transportation trailer;*
 - *General garages shall not occupy more than 45.0 sm (484.4 sf) of floor area space;*
 - *Medical clinics, offices and similar uses are permitted on the basis such uses are clearly subsidiary to the residential use;*
 - *Retail sales must be directly related to goods manufactured or services provided on the residential lot; retail goods not produced on the lot shall be ancillary to an office home base business activity;*
 - *Manufacturing activities shall be limited to those associated with small scale production of specialty goods or foods;*
 - *Wholesale sale or storage of goods shall not be permitted, except in a minor nature in direct association with a primary retail use; and,*
 - *Outdoor storage of goods and materials related to the Home Base Business shall not be permitted.*
- 4) Commercial uses are to locate with orientation to Fisher Street, and all such uses shall have a minimum building floor area of 235.0 sm (2529.6 sf), or as otherwise deemed appropriate by the Town.
 - 5) Industrial uses shall only be allowed on sites of a minimum lot area size of 2024.0 sm (21,786.8 sf).
 - 6) Industrial uses shall be low impact and complimentary to adjacent residential uses wherein a landscaped and/ or fencing buffer on industrial use sites shall be provided on all adjoining lot lines to residential uses.
 - 7) All unenclosed storage on Commercial and Industrial use sites shall be limited to an area equivalent to 15% of the principal building's floor area, and all outside storage shall be screened from streetscape view.
 - 8) Commercial, Industrial, Apartment and other applicable building uses shall be subject to the design guidelines of **Schedule C** of these Development Regulations.
 - 9) Convenience stores may be considered as a discretionary use on the basis that the store is not permitted on a developed residential lot, and the store use is secondary to the residential use and enjoyment of adjacent residential homes and the nearby neighbourhood.

- 10) All signs and advertisements for mixed development uses shall be in accordance with **Part IV Signs and Advertisements** of these Development Regulations.

4.05 Development Standards

Minimum lot size areas and development standards for all land uses in the MXD zone shall be in accordance with the use requirements of their applicable zone use.

4.06 Lot Coverage

- 1) Residential land uses shall not exceed a maximum lot area coverage of 40%.
- 2) Commercial and Industrial uses shall maintain a minimum building site coverage of 20%, and building to lot area coverage over this gradient shall be managed by setback distance requirements to property line, and other requirements for site parking and landscaping.

4.07 Building Height

All principal buildings developed within the MXD zone shall not exceed a building height of 11.0 m (36.08 ft).

4.08 Landscaping and Site Design

- 1) Prominent streetscape views into apartment, assembly, civic use, commercial and industrial site developments of the MXD zone shall be achieved through design attention to building façade appearance, site landscaping, screening of parking and storage areas, and signage.
- 2) Individual driveway access locations from residential uses to Fisher Street shall be minimized.

4.09 Off Street Parking

- 1) Off street parking for mixed development uses and other uses that may be considered by Council on a discretionary basis shall be in accordance with the applicable requirements of **Schedule D** of these Development Regulations.
- 2) Paved parking area surfaces within the MXD zone shall not abut a building face – a landscape strip shall be used between the building face and paved parking area.

ZONE III – COMMERCIAL ZONE (COM)

5.01 Zone Intent

The intent of the Commercial zone is to provide for a wide array of permitted and discretionary uses to meet local retail shopping, personal service and related commercial needs.

5.02 Servicing

All uses within the COM zone shall be connected to municipal services of water and sewer, provide for storm drainage, and shall have direct road access to an adjacent public street.

5.03 Uses of Land

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

Principal Uses

- *Commercial*
- *Personal Care Home*

Accessory Uses

- *Accessory Uses (subject to Regulation 1.06)*
- *Accessory Employee Residential*
- *Enclosed Storage*
- *Off Street Parking*
- *Off Street Loading*
- *Unenclosed Storage*

Discretionary Uses *(subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124.)*

- *Industrial*
- *Apartment (subject to Regulation 5.04 (3) Conditions of Use)*

5.04 Conditions of Use

- 1) All uses and buildings for discretionary uses shall comply with the cited development standards of their applicable land use category for lot coverage, minimum building footprint, minimum lot frontage, minimum lot depth, building setbacks to property lines, height of buildings and accessory buildings, landscaping, parking and other defined requirements in accordance with the provisions of these Development Regulations.
- 2) All signs and advertisements for commercial uses shall be in accordance with **Part IV Signs and Advertisements** of these Development Regulations.
- 3) Individual apartment residential uses shall be permitted on the second storey and above a ground floor commercial business and a separate Apartment building may be permitted on the basis of siting adherence to the RES zone.

5.05 Development Standards

The following minimum lot area size and minimum development standards are applicable to the COM zone:

Lot Area:	470.0 sm (5059.2 sf)
Lot Frontage:	20.0 m (65.6 ft)
Lot Depth:	22.0 m (72.17 ft)
Building Line Setback:	10.0 m (32.8 ft)
Interior Lot Line Setback:	2.0 m (6.56 ft) except for adjoining building party walls
Exterior Lot Line Setback:	2.0 m (6.56 ft)
Rear Yard Depth:	10.0 m (32.8 ft)

5.06 Lot Coverage

The minimum building coverage in the COM zone shall be 10% of the lot area. There shall be no maximum lot area coverage; building to lot area ratio shall be determined by setback distance and other requirements for site parking and landscaping.

5.07 Building Height

The maximum building height of a principal building in the COM zone shall be 15.0 m (49.21 ft).

5.08 Landscaping and Site Design

All new commercial uses that involve new building construction shall be in general conformance with the applicable design guidelines of **Schedule C**.

5.09 Off Street Parking

- 1) Off street parking for commercial uses and other uses that may be considered by Council on a discretionary basis shall be in accordance with the applicable requirements of **Schedule D** of these Development Regulations.

- 2) Paved parking area surfaces within the COM zone shall not abut a building face – a landscape strip shall be used between the building face and paved parking area

ZONE IV – INDUSTRIAL ZONE (IND)

7.01 Zone Intent

The intent of the Industrial Zone shall be to provide for a wide range of permitted industrial business uses that are planned and designed to be compatible with other zoned areas of the community.

7.02 Servicing

All industrial and other permitted uses within the IND zone shall be fully connected to municipal water and sewer, provide for storm water drainage, and shall have direct access to a public street. Where municipal servicing is not available to an IND zoned property, an on-site source of domestic water of sufficient quality and quantity shall be provided, and approval from the Province for an on-site sewage disposal system will be required.

7.03 Uses of Land

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

Principal Uses

- *Industrial*
- *Contractor Yards*

Accessory Uses

- *Accessory Building (subject to Regulation 1.06)*
- *Accessory Employee Residential*
- *Accessory Retail*
- *Enclosed Storage*
- *Office Use (subject to Regulation 7.04 (1) Conditions of Use)*
- *Off Street Parking*
- *Off Street Loading*
- *Unenclosed Storage (subject to Regulation 7.04 (2))*

Discretionary Uses *(subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124.)*

- Commercial Use
- Resort

7.04 Conditions of Use

- 1) An Office Use shall be permitted as an accessory use to the principal industrial use.
- 2) Unenclosed storage use shall be limited in size to 15% of the floor area size of the principal industrial building.
- 3) All industrial uses shall provide design attention and landscape buffers to adjacent residential uses.
- 4) All signs and advertisements for industrial uses shall be in accordance with **Part IV Signs and Advertisements** of these Development Regulations.

7.05 Lot Coverage

The minimum building coverage in the IND zone shall be 10% of the lot area. There shall be no maximum lot area coverage; building to lot area ratio shall be determined by setback distance and other requirements for site parking and landscaping.

7.06 Development Standards

The following minimum lot area size and minimum development standards are applicable to the IND zone:

Lot Area:	470.0 sm (5059.2 sf)
Lot Frontage:	20.0 m (65.6 ft)
Lot Depth:	22.0 m (72.17 ft)
Building Line Setback:	10.0 m (32.8 ft)
Interior Lot Line Setback:	3.0 m (9.84 ft) to adjacent non-residential use 10.0 m (32.8 ft) to adjacent residential use
Exterior Lot Line Setback:	4.0 m (13.12 ft)
Rear Yard Depth:	15.0 m (49.21 ft)

7.07 Building Height

The maximum building height of a principal building in the IND zone shall be 15.0 m (49.21 ft).

7.08 Landscaping and Site Design

All new industrial uses that involve new building construction shall be in general conformance with the applicable design guidelines of **Schedule C**.

7.09 Off Street Parking

Off street parking for industrial uses and other uses that may be considered by Council on a discretionary basis shall be in accordance with the applicable requirements of **Schedule D** of these Development Regulations.

ZONE V – RURAL ZONE (RUR)

9.01 Zone Intent

The intent of this non-serviced area of the Town is to provide for various rural based activities such as agriculture, forestry, mineral working, transportation, conservation and limited residential land uses.

9.02 Servicing

Where servicing is necessary for uses within the Rural zone, and where no municipal piped services of water and sewer are available, approval from the Province will be required for septic disposal and an on-site domestic water source of sufficient quantity and adequate quality will also be required to be provided by the applicant/ developer.

9.03 Uses of Land

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

Permitted Uses

- *Agriculture*
- *Cemetery*
- *Conservation*
- *Forestry*
- *Mineral Working (subject to **Regulation 58**)*
- *Mineral Exploration*
- *Mining*
- *Telecommunications Antennae*
- *Transportation*

Accessory Uses

- *Accessory Building (subject to Regulation 1.06)*
- *Accessory Employee Residential*
- *Office Use (subject to Regulation 9.04 (1) Conditions of Use)*

- *Off Street Parking*
- *Produce Sales*
- *Unenclosed Storage (subject to Regulation 9.04 (2))*

Discretionary Uses (subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124.)

- *Seasonal Residential (subject to Regulation 9.04 (7) Conditions of Use)*
- *Single Unit Residential (subject to Regulation 9.04 (8) Conditions of Use)*
- *Resource Use*
- *Industrial Resource (subject to Regulation 9.04 (3))*
- *Industrial*
- *Hazardous Industry*
- *Salvage*
- *Assembly*
- *Recreation and Open Space*
- *Resort*

9.04 Conditions of Use

- 1) An Office Use shall be permitted as an accessory use to the main Rural use.
- 2) Unenclosed storage shall not become the dominant use of a RUR zoned property. On site storage shall be substantially screened from public view through the use of earth mounds, fencing and landscaping.
- 3) The processing and related uses of Industrial Resource shall only occur as an accessory use to a permitted and approved Resource use.
- 4) Regulatory requirements for Mineral Working shall be in accordance with **Regulation 66** of these Development Regulations.
- 5) All Rural uses shall utilize measures to prevent any adverse impacts to the Protected Public Water Supply zone.
- 6) All offsite signs and advertisements related to rural uses shall be in accordance with **Part IV Signs and Advertisements** of these Development Regulations.

- 7) Seasonal residential use shall only be permitted at the discretion of Council and in accordance with seasonal residential policies (Municipal Plan policy 7.1.6), as well as the provisions of the general regulations, development standards and conditions outlined herein.
- 8) Single unit residential use shall only be permitted if ancillary to a permitted use, such as a farmhouse subject to an established agricultural use.

9.05 Lot Coverage

There is no minimum lot coverage requirement within the Rural zone.

9.06 Development Standards

The following minimum lot area size and minimum development standards are applicable to the RURAL zone:

Lot Area:	10,000.0 sm (2.47 acres) except for seasonal residential
Lot Frontage:	20.0 m (65.6 ft) including seasonal residential
Lot Depth:	120.0 m (393.7 ft)
Rural Industrial Use Setback:	50.0 m (164.04 ft)

9.07 Building Height

The maximum height of industrial equipment, structures and buildings shall be 30.0 m (98.42 ft).

9.08 Landscaping and Site Design

All new applicable uses that involve new building construction in the Rural zone such as a potential Resort use shall be in general conformance with the applicable design guidelines of **Schedule C**.

9.09 Off Street Parking

Off street parking for Rural uses and other uses that may be considered by Council on a discretionary basis shall be in accordance with the applicable requirements of **Schedule D** of these Development Regulations.

ZONE VI – RECREATION ASSEMBLY ZONE (REC)

10.01 Zone Intent

The intent of the Recreation Assembly Zone is to provide for recreation and open space opportunities in the form of sports grounds and athletic playing fields, parks, pedestrian trails, municipal campgrounds and similar uses, and the assembly uses that are related to such uses.

10.02 Servicing

Servicing requirements for REC uses shall be aligned to those uses requiring a building or campground use, wherein either connection to municipal services, or approval from the Province for septic field disposal, is required.

10.03 Uses of Land

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

Permitted Uses

- *Recreation and Open Space*
- *Conservation*

Accessory Uses

- *Accessory Building (subject to Regulation 1.06)*
- *Off Street Parking*

Discretionary Uses *(subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124.)*

- *Assembly (subject to Regulation 10.04 (1) Conditions of Use)*

10.04 Conditions of Use

- 1) Assembly uses shall be limited to those uses that are held outdoors.

- 2) Parks and Playgrounds shall have at least a 5.0 m (16.4 ft) vehicular access to a public street, and provide for fences, hedges or barriers not more than 1.0 m (3.28 ft) in height along the access that is in front of the building line.

10.05 Lot Coverage

There is no minimum lot coverage requirement within the REC zone.

10.06 Development Standards

A proposed Accessory Building use shall be sited in general congruence with the standard property setback requirements within other more active use zones, and as determined by Town Council.

ZONE VII - COMMUNITY AND PUBLIC USE ZONE (CPU)

11.01 Zone Intent

The intent of the Community and Public Use Zone is to provide for a significant government or non-government community function or public service in the form of cultural, civic, church, assembly, office and similar uses.

11.02 Servicing

Building uses proposed for the CPU zone shall be either fully connected to municipal services of sewer and water, or provide for septic disposal approval from the Province and a domestic source of water in sufficient quantity and quality.

11.03 Uses of Land

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

Permitted Uses

- *Assembly*
- *Civic Use*
- *Cultural Use*
- *Church*
- *Office*
- *Public Use*
- *Seniors Care*
- *Conservation*

Accessory Uses

- *Accessory Building (subject to Regulation 1.06)*
- *Accessory Employee Residential*
- *Enclosed Storage*
- *Off Street Parking*
- *Unenclosed Storage (subject to Regulation 11.04 (1))*

Discretionary Uses *(subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124.)*

- Fire Fighting Training

11.04 Conditions of Use

- 1) Unenclosed storage shall not become the dominant use of a CPU zone property. On site storage shall be substantially screened from public view through the use of earth mounds, fencing and landscaping.

11.05 Lot Coverage

There is no minimum lot coverage requirement within the CPU zone. There shall be no maximum lot area coverage; building to lot area ratio shall be determined by setback distance and other requirements for site parking and landscaping.

11.06 Development Standards

The development standards for the CPU zone shall be as follows:

Minimum Building Line Setback	10.0 m (32.8 ft)
Minimum Side Yard Width	5.0 m (16.4 ft)
Minimum Rear Yard Depth	10.0 m (32.8 ft)
Maximum Building Height	15.0 m (49.21 ft)

11.07 Seniors Care Buildings

New Seniors Care buildings shall comply with the Development Standards for the MRES zone.

11.08 Landscaping and Site Design

All new applicable uses that involve new building construction in the CPU zone such as a potential Resort use shall be in general conformance with the applicable design guidelines of **Schedule C**.

11.09 Off Street Parking

Off street parking for CPU uses and other uses that may be considered by Council on a discretionary basis shall be in accordance with the applicable requirements of **Schedule D** of these Development Regulations.



ZONE VIII – CONSERVATION ZONE (CON)

12.01 Zone Intent

The intent of the Conservation Zone is to preserve and protect land that the community values as environmental, archaeological, water bodies, waterways and wetlands assets, and includes specific lands adjacent to the Gargamelle Cove and Back Arm harbour waterfronts, the Port au Choix National Historic Site and other scenic sites, and environmentally sensitive lands.

12.02 Uses of Land

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

Permitted Uses

- *Conservation*
- *National Historic Site(s)*

Accessory Uses

- *Accessory Building (subject to Regulation 1.06)*

Discretionary Uses (subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124.)

- *Agriculture*
- *Telecommunications Antennae*
- *Transportation (subject to Regulation 12.03 (3), (4) and (5) Conditions of Use)*

12.03 Conditions of Use

- 1) No land uses shall be permitted which have the potential to create an adverse effect on the water bodies, waterways, or wetlands as prescribed by the Water Resources Act.
- 2) Approval from the Water Resources Management Division of the Department of Environment and Conservation shall be obtained before any land development in or adjacent to water bodies; waterways and wetlands under Sections 39, and 48 of the Water Resources Act.

- 3) The minimum width of a buffer along a watercourse shall be fifteen (15) metres from the edge 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.
- 4) A permit is required under Section 48 of the Water Resources Act, for specific marine structures. Proponents shall follow and seek approval from the Water Resources Management Division under their new guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses. Any infilling or dredging work associated with these structures or other works in a body of water shall require a permit under Section 48 of the Water Resources Act.
- 5) Transportation uses shall be limited to harbour-related structures and uses.
- 6) All developments fronting on an ocean shoreline shall be setback a minimum of 8.0 m (26.24 ft) from the right-of-way of a public street.
- 7) All commercial tour boat and similar operators shall provide a minimum of three off-street parking spaces.

ZONE IX – COMPREHENSIVE DEVELOPMENT AREA ZONE (CDA)

13.01 Zone Intent

The intent of the Comprehensive Development Area Zone is to identify large areas of land for future potential development of residential, commercial, industrial and other land uses. The Development Regulations have identified two future CDA sites.

13.02 Uses of Land

The following uses are permitted in the CDA zone subject to Council's approval of a site specific Development Scheme:

Permitted Uses

Maintenance and Operation of Existing and previously approved uses.

(No new development – see Regulation 13.03).

Discretionary Uses *(subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124. Also subject to 13.03 Conditions of Use of this use zone table.)*

- *Residential*
- *Commercial*
- *Industrial*
- *Open Space and Recreation*
- *Conservation*
- *Resort*
- *Civic Use*
- *Cultural Use*

Accessory Uses

- *Accessory Building (subject to Regulation 1.06)*
- *Accessory Employee Residential*
- *Accessory Retail*
- *Enclosed Storage*

- *Office Use*
- *Off Street Parking*
- *Off Street Loading*
- *Unenclosed Storage*

13.03 Conditions of Use

Land development within the zoned CDA locations will not be considered by Council until a Development Scheme is prepared in accordance with Section 29 of the *Urban and Rural Planning Act, 2000*, and Section 6.5 of the Port au Choix Municipal Plan, 2015-2025. A Development Scheme complete with site servicing plan shall be submitted to Council for review and approval.

Upon Council's approval of a Development Scheme and servicing plan, the Developer shall make application to rezone the CDA area to the land use proposed by the Development Scheme. The Developer shall be responsible for all costs associated with the installation or extension of water and wastewater services and road infrastructure to the development, and any costs associated with the zoning amendment.

ZONE X – PROTECTED PUBLIC WATER SUPPLY AREA (PPWS)

14.01 Zone Intent

The intent of the PPWS zone is to protect and preserve the Town of Port au Choix's water supply and existing wellheads located at Waterhouse Pond, Beaverhouse Pond, and Middlehouse Pond.

14.02 Uses of Land

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

Permitted Uses:

Conservation

Discretionary Uses: *(subject to processing and notice requirements of Regulation 15, as well as Regulations 56, and 124.)*

Recreation and Open Space

Telecommunications Antennae

14.03 Conditions

1) Development existing in this zone currently shall be deemed a legal non-conforming use and allowed to continue subject to Regulation 68. Non-conforming Uses.

2) 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 and Conservation.

The following conditions are based upon Department of Environment and Conservation Policy Directive W.R. 95-01 –Water Resources Management Division.

- a) Existing resource development and other activities will be allowed to continue unless it is established that these activities are impairing water quality or have the potential to impair water quality.
- b) The Minister of Environment and Conservation may require proponents of existing activities that have the potential to impair water quality, to obtain his/her approval.

- c) No development shall be carried out in a designated area except in accordance with this policy.
- d) No person shall carry out any development in a designated area without obtaining prior approval in writing from the Minister.

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 Conservation and a permit from the Authority:

- a) Expansion and upgrading of the existing activities, operation or facilities;
- b) Land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities;
- c) Installation of storm or sanitary sewer pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purpose;
- d) Construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;
- e) Modification to intake structures, pumphouses, reservoirs, etc. will require approval under the Environment Act; and
- f) Any other development of activity, which in the opinion of the Minister of Environment and Conservation, has caused impairment or has potential to impair water quality.

4. 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 the potential to impair water quality;
- b) Using an intake pond, lake or specified buffer zone for any activity detrimental to water quality, and not permitted under the Environment Act;

- c) Using an ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading of animals, or any other activity, including litter, which impairs or has potential to impair water quality;
- d) Using or operating existing facilities in such a manner that impairs or has potential to impair water quality;
- e) Storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing and peat land drainage without adequate treatment;
- f) 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.

5. Approval Process

- a) 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 and Conservation for approval.
- b) The Minister, 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.
- c) The proponent shall obtain separate approvals from the Minister under the Environment Act, for all permanent or temporary stream crossings or for alteration to the bodies of water that may be necessary to carry out the approved development.

- d) The proponent shall also obtain licenses, permits or approvals under other Acts and Regulations, including the Development Regulations as required prior to commencing the approved work.
- e) The proponent of the approved development shall notify the 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.
- f) 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 works.
- g) The Minister of Environment and Conservation may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.
- h) The Minister of Environment and Conservation may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

6. 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:

Water Body	Width of Buffer Zone
Intake pond or lake	150 m (min)
River intake	150 m (min) for a distance of 1 km upstream 100 m (min) for a distance of 1 km downstream
Main river channel	75 m (min)
Major tributaries, lake or ponds	50 m (min)
Other water bodies	30 m (min)

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



SCHEDULE “C” – DEVELOPMENT DESIGN GUIDELINES

1. Purpose of Development Design Guidelines

The Development Design Guidelines support the goals of the updated Municipal Plan (2015-2025) of building livable neighbourhoods, enhancing the visual appearance of the community and focusing on overall community stability, rather than only development of land. The Development Design Guidelines are additionally supported by the *Urban and Rural Planning, Act (2000)*.

The guidelines are established to achieve the following:

- 1) A high standard of livability in both residential and non residential areas;
- 2) A high standard for new building form and character by incorporating basic design elements for site planning, building appearance, building materials, energy efficiency and specifically limiting development practices such as building massing;
- 3) A high quality public realm with new developments through emphasis on site landscaping, planting of trees, creation of open spaces, giving attention to the pedestrian and minimizing site signage; and,
- 4) A more enhanced sense of place with new developments by retaining natural features and vegetation, and maintaining local history through the use of architectural design elements.

2. Application

- 1) The development design guidelines information identifies general design criteria for specific types of new developments to follow and form a basis for Council to review and consider approval of new building development before a building permit is issued and site construction begins;

- 2) Where deemed required by Council, applicants are to review these development design guidelines and incorporate the design intent within their proposed development, and to provide a statement of rationale to the Town how the guidelines have been adhered to;
- 3) At the discretion of Council, certain design guidelines for a particular development may be waived;
- 4) In the event of a conflict between the Development Design Guidelines and the requirements outlined within the individual zone categories of the Development Regulations, the latter shall take precedent.

3. General Provisions for Design Guidelines

All development proposals for higher intensity uses of land, including projects for infill residential housing, cottage residential and duplexes, multi unit residential, commercial, industrial, comprehensive development and public uses, and building additions greater than 111.48sm (1,200.0sf) to existing multi unit residential, commercial, industrial, comprehensive development and public use buildings, shall be evaluated by the Town as to the requirement for consideration of, and adherence to, the Development Design Guidelines.

Where the Town deems it to be appropriate for a development proposal to comply to the Development Design Guidelines, the intent is for design of the specific development proposal to be in general accordance with the applicable design guidelines **of Schedule C**, and the applicant shall provide to the Town for review and evaluation, the proposed property development details and information as follows:

- 1) 'Site Plan' information as defined within **Schedule "A" - Definitions** of these Development Regulations;
- 2) Comprehensive site development layout information including principal and accessory buildings siting, parking configuration, unenclosed storage and landscaped areas. Rule of thumb guidelines are to have most proposed buildings situated near the front portion of development sites and to provide a strong visual appearance to the passing public, for asphalt parking areas to be softened through the use of landscaping or siting of the parking areas to the sides and rear of buildings, for accessory buildings to be built of

- same cladding materials as principal building, and for unenclosed storage to be screened from public view.
- 3) Building façade and design appearance, and building elevation drawings;
 - 4) Site landscape plan; and,
 - 5) Signage detail.

4. Comprehensive Site Layout Development Design Guidelines

In addition to the required information submitted in accordance with the definition for 'site plan', at the discretion of Council, a land development applicant may also be required to provide the following additional information on the proposed site development:

- 1) Identification of Developable Area of site, including map identification of any environmentally sensitive or archaeological significant locations to be preserved;
- 2) Proposed siting of new buildings, or additions, including building square footage area size, building height and setback distances to property lines;
- 3) Building lot area coverage and proposed building floor area where applicable;
- 4) Total number of proposed multi unit residential dwellings, or strata unit commercial and/or industrial units, and interior floor plans for review from the perspective of Crime Prevention Through Environmental Design;
- 5) Layout drawing of proposed parking area, total number and size of parking spaces and maneuvering aisles, access and egress locations to parking area, provisions for bicycle parking where applicable, landscape screening for parking areas and provision for storm water drainage management from the parking areas;
- 6) Identification of outdoor amenity and open space improvement areas, including the opportunity for shade trees and park like rest bench areas;
- 7) Identification of unenclosed storage areas and area size, and how these storage areas are proposed to be screened; and,
- 8) Overview of landscaping treatment and approach for the site development.

5. Building Design Guidelines

In addition to the information provided in accordance with the site plan and proposed site development layout detail, to comprehensively address the Development Design Guidelines, at the discretion of Council, a land development applicant shall also provide in the minimum, in whole or in part, the following indicative building design information on the proposed site development:

- 1) The front, rear and side elevation views of all buildings proposed for the site with an intent to limit blank walls and building massing, and to provide articulation breaks in a building's design through window treatment, varying building cladding materials and colour schemes and other design approaches;
- 2) Detailed building design articulation elements such as for the front entrance, facades, roof lines, cornices and window placement and trim, and design attention to the building form and character to avoid monotony of building design. For example, Cottage Residential uses need to be visually appealing with window trim articulation, features such as an entrance stoop and appropriate colour schemes to fit into the existing residential neighbourhood, while Downtown Commercial stores and buildings need to have a prominently designed front façade of the building with attention to rooflines, architectural treatment and details, window placement and prominent entrance features, with an overall design objective to present a visually appealing streetscape view.
- 3) Building materials and colour schemes proposed to be utilized;
- 4) Coordination of design of all buildings on site, and integration with the design character of the adjacent neighbourhood;
- 5) Integration of site design elements of landscaping, parking and amenity areas with building design; and,
- 6) A statement of rationale of how the proposed building design meets the intent of the design guidelines.

6. Landscape Plan Design Guidelines

In addition to the site, layout and building design information on a proposed site development that is to be provided, at the discretion of Council, a land development applicant shall further provide in a minimum, in whole or in part, the following landscape plan information on the proposed site development:

- 1) Landscape plans shall be for the entire site and shall include all proposed new plantings of hedges, shrubbery, trees, flowering plants, groundcover and grass areas, as well as existing landscaping, including trees proposed to be retained, where use of native species plantings is encouraged;
- 2) Landscape improvements shall include those identified minimum landscape requirements within the applicable zone category for the proposed use, such as required between residential and non-residential uses;
- 3) Landscape plans shall focus on the front and exterior side yard areas to the adjacent streets, on the front entrance to the principal building and on landscape treatments that compliment the exterior of the principal building;
- 4) Landscape plans shall additionally provide for screening of unenclosed storage areas, to minimize offsite glare from vehicle lights from the parking area, to screen rooftop heating, ventilation and air conditioning systems, and to provide for privacy and separation from adjacent land uses;
- 5) All site developments shall provide for landscaping between the asphalt area of the parking area and the building face;
- 6) Landscape plans are to include all proposed fences, masonry walls and landscape berms; and,
- 7) A statement of rationale of how the proposed landscape design meets the intent of the design guidelines.

7. Signage Detail

In addition to the site plan, development layout, building design and landscape information to be provided on a proposed site and building development, at the discretion of Council, a land

development applicant shall additionally provide, in whole or in part, the following signage detail information on the proposed site development:

- 1) Signage design shall be in accordance with Part IV Signs and Advertisements;
- 2) Signage shall be complimentary to the overall site, building and landscape design for the development project;
- 3) Multi tenant use of a commercial, industrial or comprehensive development zone site, shall utilize one shared sign;
- 4) Decorative landscape treatment to the base of site signage shall be incorporated with the landscape plan for the development; and,
- 5) A statement of rationale of how the proposed signage detail meets the intent of the design guidelines.

8. Development Design Approval

Review and approval consideration by the Town of a proposal's compliance to the Development Design Guidelines shall be subject to the following conditions:

- 1) The procedural process for consideration of Approval of the Development Design application shall be established by the Town, and shall be in compliance with the Urban and Rural Planning Act (2000). Town Council may deem it appropriate to review the design information from the applicant at the same time as review of the development permit application for a zone amendment, subdivision or building permit proposal.
- 2) The Development Design Approval shall be valid for a two year period from the date of Approval by the Authority. The intent is for site and building development to be substantially completed within two years of design approval.
- 3) Upon expiration of the two year period, if site and building development is not substantially complete, and in the absence of an extension from the Town, a new application for Development Design Approval will be required;
- 4) No Building Permit for a development subject to a Development Design Approval shall be issued except in compliance to the approved Development Design. This condition

shall apply even in the circumstance of property ownership changing after design approval is granted by the Town.

- 5) All site plans, development layout, building, landscape and signage detail approved by the Town for the Development Design shall be adhered to in site construction and development, except for minor changes as subsequently approved by the Town.

SCHEDULE “D” – OFF STREET PARKING REQUIREMENTS

1. General

- 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 onsite parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in this Schedule. Where a specific land use is not identified, the Town shall determine the number of required parking spaces for that use.

- 3) Each parking space, except in the case of single unit or two unit duplex dwellings, shall be made accessible by means of a hard surfaced right-of way at least 3.0 m (9.84 ft) in width. Parking required in a residential zone shall be provided on the same lot as the dwelling or dwellings. Parking space for higher density residential uses of townhouses and apartments shall be provided in the rear yard where possible. In a nonresidential zone, parking spaces shall be provided within the limits of the zone in which the use is situated and where parking cannot be provided entirely on site, off site parking on another property owned or leased by the development site property owner, shall be provided not more than 200.0 m (656.1 ft) distant from the use concerned.

- 4) The parking facilities required by this Regulation shall, except in the case of single or duplex dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street. In these types of site development, vehicle maneuvering aisles of a prescribed standard shall be provided in addition to the required number of parking spaces.

5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted, with parking perpendicular to the curb, the minimum dimensions shall be as follows:

- i) Parking stalls width - 2.75 m (9.02 ft);
- ii) Parking stalls length or depth - 5.80 m (19.02 ft)
- iii) Maneuvering aisle width - 7.30 m (23.95 ft)
- iv) Driveway width 7.00 m (22.96 ft).

Where the parking stall is horizontal to the curb, the minimum length of the stall shall be 7.0 m (22.96 ft), and the minimum aisle width (if applicable) shall be at least 4.0 m (13.12 ft) more if deemed necessary by the Town.

For any other parking lot configuration, the requirements shall be as specified by the Town, but in no instance shall the requirements be less than that specified for standard parking spaces.

(6) Other requirements for parking areas are as follows:

- i) The parking area shall be constructed and maintained to the specifications of the Town;
- ii) The lights used for illumination of the parking area, and lights from vehicles entering and leaving from parking areas, shall be considered so that the parking configuration is arranged to divert the light away from adjacent development;
- iii) 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;
- iv) No part of any off-street parking area shall be closer than 1.5 m (4.92 ft) to the front, side or rear lot line in any zone;
- v) Access to parking areas in non-residential zones shall not be by way of residential zones;
- vi) Where a parking area is located within or abuts a residential zone, a natural or structural barrier at least 1.0 m (3.28 ft) in height shall be erected and maintained along all lot lines;

- vii) Parking for subsidiary apartments and cottage residential and other single and duplex residential uses shall be in dedicated parking spaces and shall not occupy the front yard area of a property except within a driveway;
- viii) For any use, the parking area shall occupy no more than 20% of the lot area;
- ix) Disabled parking spaces shall be clearly marked by painting a blue handicapped symbol on each space; and visitor parking spaces shall be clearly marked by painting the word 'Visitor' on each space; and,
- x) Where, in the opinion of the Town, strict application of the above parking requirements is impractical or undesirable, the Town may as a condition of a permit require the developer to pay a monetary service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Town for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

2. Off Street Parking Spaces

The off street parking requirements for uses in the various use classes shall be as defined in the following table, **Schedule 'D'**. In case of developments including uses in more than one class, these standards shall be regarded as cumulative.

Adequate off street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial-residential and take-out food service classes.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Assembly Type Uses	
Theatre and Auditorium	One space for every 5 seats
Cultural and Civic	One space for every 50.0 sm (538.2 sf) of gross floor area
General Assembly	One space for every 10.0 sm (107.6 sf) of gross floor area
Schools and Classrooms	Two spaces for every class-room
Adult Education	One space for every 5 persons (students, faculty and staff)
Place of Worship	One space for every 5 seats
Club and Lodge	One space for every 3 persons of usual occupancy
Catering	One space for every 3 customers accommodated in facility at one time
Civic (including library)	One space per 5 seats of total capacity within assembly area, plus Three spaces per 100.0 sm (1076.4 sf) of other floor area
Funeral Home	One space for every 10.0 sm (107.6 sf) of gross floor area
Gallery and Museum	1.5 spaces per 100.0 sm (1076.4 sf) of floor area
Amusement/ Arcade	One space for every 25.0 sm (269.1 sf) of gross floor area
Bowling Alley	Three spaces per bowling lane
Indoor Assembly	One space for every 10 spectators of occupancy
Outdoor Assembly	As specified by the Town in accordance with event to be held
Campground	Equivalent of one and one-half spaces for each campsite
Penal and Correctional Facility	As specified by Town on basis of number of employees
Medical Treatment	One space for every two patients of occupancy
Residential Uses	
Single Unit Dwelling	Two spaces for every dwelling unit
Duplex Dwelling	Two spaces for every dwelling unit
Subsidiary Apartment	One space for every dwelling unit
Cottage Residential	Two spaces for every Cottage dwelling units
Townhouse Dwelling	2 spaces for every dwelling unit and one visitor space/5 units
Apartment Building	1.5 spaces for every dwelling unit and one visitor space/5 units
Adult Care Facility	One space per two beds for employee parking, plus one space per 4 beds capacity for visitor parking, plus two spaces for drop off
Other Seniors Facilities	0.75 spaces per dwelling unit
Boarding Use	One space for every bedroom used for Boarding Use
Bed and Breakfast	One space for every bedroom used for Bed and Breakfast
Home Based Business	One parking space plus one space for each employee
Apartment above Commercial Use	One space for every dwelling unit
Accessory Employee Residential	One space for every dwelling unit
Artist Live/Work Studios	One space for every dwelling unit
Seasonal Residential	One space for every dwelling unit
Mobile Home	Two spaces for every dwelling unit
Accommodation Uses	
Motel, Hotel and Hostel	One space for every room for rent
Resort accommodation	One space for every room for rent
Meeting/ Conference Rooms	One space per 20.0 sm (215.2 sf) so used

CLASS		MINIMUM OFF-STREET PARKING REQUIREMENT	
Commercial Type Uses			
Office		One space for every 20.0 sm (215.2 sf) of gross floor area	
Personal Service		One space for every 20.0 sm (215.2 sf) of gross floor area	
Retail		All uses with floor area < 375.0 sm – 2.5 spaces per 100.0 sm (1076.4 sf) of floor area All uses with floor area of 376 to 4500 sf – 3.0 spaces per 100.0 sm (1076.4 sf) of area All uses with floor area > 4501 sm – 4.0 spaces per 100.0 sm (1076.4 sf) of floor area	
Restaurant		One space per four seats of total capacity	
Licensed establishments		One space per four seats of total capacity	
Café		One space per six seats of total capacity	
Take-out Food Service		One space for every 10.0 sm (107.6 sf) of gross floor area	
Veterinary		One space for every 20.0 sm (215.2 sf) of gross floor area	
Medical Clinic/ Office		Four spaces per 100.0 sm (1076.4 sf) of floor area	
Financial Services and offices		Three spaces per 100.0 sm (1076.4 sf) of floor area	
Child Care Facility		One space per employee plus 2 spaces for drop-off	
Service Station		One space for every 20.0 sm (215.2 sf) of gross floor area	
Automotive Repair		One space per auto bay plus one space, plus one space for every 20.0 sm (215.2 sf) of other gross floor area	
Recycling Depot		One space per 200.0 sm (2152.8 sf) of floor area	
Car Wash		One space per wash bay	
Indoor/ Outdoor Market		As specified by the Town on basis of type of market	
Comprehensive Development Area		As per the specific land uses so developed	
All Other Commercial		One space for every 20.0 sm (215.2 sf) of gross floor area	
Industrial Type Uses			
All uses other than listed below		One space per 100.0 sm (1076.4 sf) of floor area	
Auction and wholesaling -		The greater of 20 spaces, or 1 space per 30.0 sm of floor area	
Warehouse/Mini Storage		One space for every 200.0 sm (2152.8 sf) of gross floor area	
Light Manufacturing		One space for every employee	
Processing and similar industry		One space for every employee	
Industrial Special		One space for every employee	

APPENDIX A: LAND USE ZONING MAP 1

APPENDIX B: LAND USE ZONING MAP 2

