

# **TOWN OF SPANIARD'S BAY DEVELOPMENT REGULATIONS**

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

**List of Development Regulation Amendments**

# Spaniard's Bay Development Regulations 2009 - 2019



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**TOWN OF SPANIARD'S BAY MUNICIPAL PLAN  
LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS  
(DEVELOPMENT REGULATIONS)**

**APPLICATION**

**1. Short Title**

These Regulations may be cited as the Spaniard's Bay Development Regulations.

**2. Interpretation**

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

**3. Commencement**

These Regulations come into effect throughout the Spaniard's Bay Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland Gazette.

**4. Municipal Code and Regulations**

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

**5. Authority**

In these Regulations, "Authority" means the Council of the Town of Spaniard's Bay.



## **PART I - GENERAL REGULATIONS**

### **6. Compliance With Regulations**

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

### **7. Permit Required**

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

### **8. Permit to be Issued**

Subject to Regulations 9 and 10, a permit shall be issued for development within the Planning Area that conforms to:

- (a) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (b) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- (c) the standards set out in Part III of these Regulations in the case of advertisement;
- (d) the standards set out in Part IV of these Regulations in the case of subdivision;
- (e) the standards of design and appearance established by the Authority.

**9. Permit Not to be Issued in Certain Cases**

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

**10. Discretionary Powers of Authority**

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

**11. Variances**

- (1) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the 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) The 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) The Authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

## **12. Notice of Variance**

Where the Authority is to consider a proposed variance, the 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, and allow a minimum period of 7 days for response.

## **13. Service Levy**

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.

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

#### **14. Financial Guarantees by Developer**

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

- (b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;
- (c) a performance bond provided by an insurance company or a bank, or;
- (d) an annual contribution to a sinking fund held by the Authority, or;
- (f) another form of financial guarantee that the Authority may approve.

### **15. Dedication of Land for Public Use**

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

### **16. Reinstatement of Land**

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

### **17. Form of Application**

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

- (2) The Authority shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

#### **18. Register of Application**

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

#### **19. Deferment of Application**

- (1) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 18(1), shall be deemed to be refused.

#### **20. Approval in Principle**

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

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

## **21. Development Permit**

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

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

## **22. Reasons for Refusing Permit**

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



### **23. Notice of Right to Appeal**

Where the Authority makes a decision that may be appealed under section 42 of the Act, the 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.

### **24. Appeal Requirements**

- (1) The secretary of the Appeal 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 Appeal 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 Appeal Board.
- (2) The fee required under section 44 of the Act shall be paid to the Appeal 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 Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
- (4) Where an appeal of a decision and the required fee is not received by an Appeal 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.

## **25. Appeal Registration**

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.
- (3) Where the Authority has been notified of an appeal that Authority shall within one week of notification 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.

## **26. Development Prohibited**

- (1) Immediately upon notice of the registration of an appeal the 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, the Authority shall not carry out work related to the matter being appealed.

## **27. Appeal Board**

- (1) 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 Act.

## **28. Appeals**

- (1) A person or an 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 a permit to undertake a development;
  - (c) the issuance of a stop work order; and
  - (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, development regulations and amendments and revisions of them is final and not subject to an 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.
- (5) 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.
- (6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
- (7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (8) 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 the circumstances and merits of the case.
- (9) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
- (10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the 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.

- (11) Notwithstanding subsection (10), where the Authority may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
- (12) 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.
- (13) An Appeal Board shall, in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

## **29. Hearing Notice 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 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.

## **30. 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 29(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 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 Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

### **31. Return of Appeal Fee**

Where an appeal made by an appellant under section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under regulation 24(2) shall be paid to him or her by the Authority.

### **32. Notice of Application**

The Authority may, and when a variance is necessary under Regulation 11 and the Authority wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 49, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 12 and the 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, and allow a minimum period of 7 days for response.

### **33. Right of Entry**

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

### **34. Record of Violations**

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

### **35. Stop Work Order and Prosecution**

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 35(1) is guilty of an offence under the provisions of the Act.

### **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**

### **37. Accesses and Service Streets**

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

### **38. Accessory Buildings**

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

### **39. Advertisements**

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



#### **40. Buffer Strips**

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

#### **41. Building Height**

The Authority may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rearyard requirements shall be varied as follows:

- (1) The building line setback shall be increased by 2 m for every 1 m increase in height.
- (2) The rearyard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 m.

#### **42. Building Line and Setback**

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

#### **43. Family and Group Care Centres**

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

#### **44. Height Exceptions**

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 10% the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

#### **45. Livestock Structures and Uses**

- (1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
  - (a) The structure shall be at least 600 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
  - (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.

- (c) The structure shall be at least 90 m from the centre line of a street.
  - (d) The erection of the structure shall be approved by the Department of Natural Resources and the Department of Environment and Conservation.
- (2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Natural Resources.

#### **46. 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.

#### **47. Lot Area and Size Exceptions**

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

height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

#### **48. Lot Frontage**

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development Scheme.

#### **49. Non-Conforming Use**

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under this Urban and Rural Planning Act, 2001, the 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 Act, 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 12 months after that discontinuance.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the 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 Authority;
  - (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 Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
  - (e) may have the existing building extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building;
  - (f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity;
  - (g) 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.
  - (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.
- (4) Where considering a non conforming building, structure or development and before making a decision to vary an existing use of that non-conforming building, structure or development, the 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.

**50. Offensive and Dangerous Uses**

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

**51. Offstreet Parking Requirements**

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

- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
- (a) parking space shall mean an area of land, not less than 15 m<sup>2</sup> in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
  - (b) the parking area shall be constructed and maintained to the specifications of the Authority;
  - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
  - (d) a structure, not more than 3 m in height and more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area;
  - (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
  - (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
  - (g) access to parking areas in non-residential zones shall not be by way of residential zones;
  - (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
  - (i) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

## **52. Off-Street Loading Requirements**

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

## **53. Parks and Playgrounds, and Conservation Uses**

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

## **54. Screening and Landscaping**

The Authority may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application. The provision of adequate and suitable landscaping or screening may be made a



condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity, or protect the environment.

#### **55. Services and Public Utilities**

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

#### **56. Service Stations**

The following requirements shall apply to all proposed service stations:

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

#### **57. Side Yards**

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

**58. Street Construction Standards**

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

**59. Subsidiary Apartments**

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

**60. Unsubdivided Land**

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

**61. Zero Lot Line and Other Comprehensive Development**

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

## **PART III - ADVERTISEMENTS**

### **62. Permit Required**

Subject to the provisions of Regulation 67, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority. Permit for erection or display of advertisement on Provincial Highways shall be obtain from the Government Service Centre.

### **63. Form of Application**

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

### **64. Advertisements Prohibited in Street Reservation**

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

### **65. Permit Valid for Limited Period**

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

### **66. Removal of Advertisements**

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

- (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;

- (b) detrimental to the amenities of the surrounding area.

#### **67. Advertisements Exempt from Control**

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

- (a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area;
- (b) on an agricultural holding or farm, a notice board not exceeding 1 m<sup>2</sup> in area and relating to the operations being conducted on the land;
- (c) on land used for forestry purposes, signs or notices not exceeding 1 m<sup>2</sup> in area and relating to forestry operations or the location of logging operations conducted on the land;
- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 m<sup>2</sup> in area relating to the operation conducted on the land;
- (e) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area in connection with the practice of a professional person carried on in the premises;
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m<sup>2</sup> in area;
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- (h) on any parking lot directional signs and one sign not exceeding 1 m<sup>2</sup> in size, identifying the parking lot.

**68. Approval Subject to Conditions**

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

**69. Non-Conforming Uses**

Notwithstanding the provisions of Regulation 62, a permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

**PART IV - SUBDIVISION OF LAND**

**70. Permit Required**

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

**71. Services to be Provided**

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

## **72. Payment of Service Levies and Other Charges**

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 13 and 14.

## **73. Issue of Permit Subject to Considerations**

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

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

#### **74. Building Permits Required**

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

#### **75. Form of Application**

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

#### **76. Subdivision Subject to Zoning**

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

#### **77. Building Lines**

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

#### **78. Land for Public Open Space**

- (1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m<sup>2</sup> for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:

- (a) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
  - (b) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
  - (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;
  - (d) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
  - (e) money received by the Authority in accordance with Regulation 78(1)(d) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 78(1).



## **79. Structure in Street Reservation**

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

## **80. Subdivision Design Standards**

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

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

alignment shall be maintained for 30 m from the intersection.

- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No residential street block shall be longer than 490 m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	discretion of Council
Collector Streets	20 m	15 m	1.5 m	2
Local Residential Streets:				
where more than 50% of the units are single or double dwellings;	15 m	9 m	1.5 m	1
where 50% or more of the units are row houses or apartments.	20 m	9 m	1.5 m	2
Service Streets	15 m	9 m	1.5 m	discretion of Council

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

**81. Engineer to Design Works and Certify Construction Layout**

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

**82. Developer to Pay Engineer's Fees and Charges**

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

**83. Street Works May Be Deferred**

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

**84. Transfer of Streets and Utilities to Authority**

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, and clear of all liens and encumbrances:
  - (a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Authority for public uses as streets, or other rights-of-way, or for other public use;
  - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Authority.
- (2) Before the Authority shall accept the transfer of lands, services or public

works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.

- (3) The Authority shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Authority.

#### **85. Restriction on Sale of Lots**

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

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

#### **86. Grouping of Buildings and Landscaping**

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

## **PART V - USE ZONES**

### **87. Use Zones**

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

### **88. Use Classes**

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

### **89. Permitted Uses**

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

#### **90. Discretionary Uses**

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 32 and has considered any objections or representations which may have been received on the matter.

#### **91. Uses Not Permitted**

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

# Spaniard's Bay

## Minister's Regulations

### 2009 - 2019



PLAN-TECH



ENVIRONMENT



## **NEWFOUNDLAND REGULATION 3/01**

### **Development Regulations under the Urban and Rural Planning Act, 2000**

(Filed January 2, 2001)

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

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

**Joan Marie Aylward**  
**Minister of Municipal and Provincial Affairs**

## **REGULATIONS**

### **Analysis**

1. Short title
2. Definitions
3. Application
4. Interpretation
5. Notice of right to appeal
6. Appeal requirements
7. Appeal registration
8. Development prohibited
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10. Hearing of evidence
11. Board decision
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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

## **1. Short title**

These regulations may be cited as the Development Regulations.

## **2. Definitions**

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.

## **3. Application**

- (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.

## **4. Interpretation**

- (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.

## 5. 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.

## **6. Appeal requirements**

- (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.

## **7. 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 (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.

## **8. Development prohibited**

- (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.

## **9. Hearing notice and meetings**

- (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.

## **10. Hearing of evidence**

- (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.

## **11. Board decision**

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.

## **12. Variances**

- (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.

## **13. Notice of variance**

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.

## **14. 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.

## **15. 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.

**16. 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.

**17. Discontinuance of non-conforming use**

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.

**18. 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.

**19. Commencement**

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



# Spaniard's Bay

## Schedule A

### 2009 - 2019



PLAN-TECH



ENVIRONMENT

## **SCHEDULE "A" - DEFINITIONS**

**ACCESS:** A way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street.

**ACCESSORY BUILDING:**

- (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;

**ACCESSORY USE:** A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

**ACT:** The Urban and Rural Planning Act, 2000.

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

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

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

**ANIMAL UNIT:** Any one of the following animals or groups of animals:

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

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

**APPLICANT:** A person who has applied to an authority for an approval or permit to carry out a development.

**APPEAL BOARD:** The appropriate Appeal Board established under the Act.

**ARTERIAL STREET:** The streets in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.

**AUTHORITY:** A council, authorized administrator or regional authority.

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

**BUILDING:** Every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses, and any part of a building as so defined and any fixtures that form part of a building.

**BUILDING HEIGHT:** 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.

**BUILDING LINE:** 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.

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

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

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

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

and shall exclude:

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

**DEVELOPMENT REGULATIONS:** Regulations and by-laws respecting development that have been enacted by the relevant authority.

**DISCRETIONARY USE:** A use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations.

**DIRECTOR:** The Director of Urban and Rural Planning.

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

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

**ENGINEER:** A professional engineer employed or retained by the Authority.

**ESTABLISHED GRADE:**

- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;.

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

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

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

**FRONT YARD DEPTH:** The distance between the front lot line of a lot and the front wall of the main building on the lot.

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

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

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

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

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

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

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

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

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

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

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

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

**LOT COVERAGE:** The combined area of all buildings on the lot measured at the level of the lowest floor above the established grade expressed as a percentage of the total area of the lot.

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

**MINERAL WORKING:** Land or buildings used for the working or extraction of any naturally occurring substance.

**MOBILE HOME:** A transportable factory-built single family dwelling unit:

- (a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
- (b) which is designed to be:



- (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
- (ii) connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

**MOBILE HOME PARK:** 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 Authority.

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

**NON-CONFORMING USE:** means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

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

**PERMITTED USE:** means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

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

**PROHIBITED USE:** means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone.

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

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

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

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

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

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

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

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

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

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

**SIGN:** means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements.

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

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

**SUBSIDIARY APARTMENT:** A separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

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

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

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

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

**VARIANCE:** means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's Regulations.

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

# Spaniard's Bay

## Schedule B

### 2009 - 2019



PLAN-TECH



ENVIRONMENT

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

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

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

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fairgrounds Exhibition Grounds Drive-in Theatres
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmarys Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family & Group Homes
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings Family & Group Homes
		(c) Row Dwelling	Row Houses Town Houses Family & Group Homes
		(d) Apartment Building	Apartments Family & Group Homes

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

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



**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(e) Communica-tions	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations without detention quarters
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Surgeries
E. MERCANTILE USES	1. Retail Sale and Display Uses	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops, Stores and Showrooms Department Stores
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stands Fish Stalls
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish, and Rubber Factories Spray Painting

### CLASSIFICATION OF USES OF LAND AND BUILDINGS

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

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	DIVISION	CLASS	EXAMPLES
G. NON-BUILDING USES (continued)	1. Uses not directly related to building.	(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos
		(j) Antenna	TV, Radio and Communications Transmitting, Receiving Masts and Antennae
		(k) Transportation	Airfields Railway Yards Docks and Harbours

# Spaniard's Bay

## Schedule C

### 2009 - 2019



PLAN-TECH



ENVIRONMENT

## USE ZONE TABLES

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

The schedule contains tables for the following Use Zones:

Residential Medium Density	RMD
Residential Infill	RI
Residential Subdivision Area	RSA
Mixed Use	MU
Commercial General	CG
Industrial General	IG
Public Use	PU
Open Space Recreation	OSR
Open Space Conservation	OSC
Transportation Highway	TH
Watershed	W
Rural	RUR

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>RESIDENTIAL MEDIUM DENSITY</b>	<b>(RMD)</b>
<b>PERMITTED USE CLASSES - (see Regulation 89)</b>		
Single dwelling, double dwelling, and recreational open space.		
<b>DISCRETIONARY USE CLASSES - (see Regulations 32 and 90)</b>		
Row dwelling, apartment building, boarding house residential, personal care home, place of worship, convenience store, child care, bed and breakfast operation, cultural and civic uses, personal services, light industry and cemetery		

STANDARD			WHERE PERMITTED (with water and sewer)				
	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m <sup>2</sup> ) minimum	450	390 *	350 (Average)	200 *	250 *	280 *	300 *
Floor area (m <sup>2</sup> ) minimum	74	74 *	65 *	40 *	50 *	60 *	70 *
Frontage (m) minimum	15	26	12 * (average)	36			
Building Line Setback (m) (minimum)	6	6	8	8			
Sidyard Width (m) (minimum)	2	2	2	5			
Rearyard Depth (m) (minimum)	9	9	9	14			
Lot Coverage (%) (maximum)	33	33	33	33			
Height (m) (maximum)	8	8	10	10			

\* Per dwelling unit (See Conditions)

## **CONDITIONS**

### **1. Municipal Service Requirement**

All permitted and discretionary uses must be connected to the Town's municipal water and sewer and all development must front onto a public road.

### **2. Discretionary Use Class**

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

### **3. Discretionary Uses - Site Standards**

Discretionary uses, such as place of worship, convenience store, personal services, child care, cultural and civic uses shall conform to the frontage, building line setback, sideyard, lot coverage and height requirements specified for a single dwelling.

### **4. Apartment Building, Row Dwelling, Boarding House Residential and Personal Care Home**

Apartment buildings, row dwellings, boarding houses and personal care homes may be permitted as a discretionary use under the following conditions:

- i) The proposed development shall front onto and have direct access to a through street;
- ii) The proposed building shall have an exterior design which is sensitive to the residential character of the area and the scale and density of the surrounding land uses; and
- iii) The proposed development shall be landscaped in a manner compatible with the surrounding residential area.

### **5. Place of Worship, Educational and Cultural and Civic Uses**

Places of worship, educational, and cultural and civic uses may be permitted as a discretionary use under the following conditions:

- i) The proposed building shall have an exterior design which is in keeping with the residential character of the area and the scale and density of the surrounding land uses; and

- ii) The level of activity associated with the proposed development shall not adversely affect the residential character of the surrounding area.

## **6. Convenience Stores**

Convenience stores may be permitted as a discretionary use provided:

- i) The convenience store shall have an exterior design which is sensitive to the residential character of the area and the scale and density of surrounding land uses;
- ii) Convenience stores shall not exceed 55 m<sup>2</sup> of floor area;
- iii) The convenience store will not have a negative affect on adjacent residential uses because of noise, traffic, outdoor storage and display;
- iv) The convenience store shall be landscaped in a manner compatible with the surrounding residential area;
- v) The convenience stores shall be located in an area which the Council deems appropriate and capable of accommodating the proposed use; and
- vi) Council may require fencing or other screening to protect the amenity of abutting residential uses.

## **7. Personal Service and Light Industrial Uses**

Personal service and light industrial uses may be permitted as a discretionary use in the form of personal services, small business services, small appliance repair, workshops and similar uses provided that:

- i) The use is clearly subsidiary to the residential use and the primary use of the property remains residential;
- ii) The use shall not change the outside appearance of the dwelling;
- iii) The use shall be entirely enclosed within the dwelling or inside buildings on the residential property;
- iv) No outdoor activities or storage associated with the use shall be permitted;
- v) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, or inconvenience and are not a nuisance to the occupants of adjoining residences;



- vi) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, and that no repairs to vehicles or heavy equipment are carried out; and
- vii) The proposed use shall be located in an area which Council deems appropriate and capable of accommodating the proposed use.

## **8. Accessory Buildings**

- (i) An accessory building on a lot which has a single family dwelling shall have a lot coverage no greater than 7%, up to a maximum of 81 m<sup>2</sup>, and a height of no more than 4.5 m; that a two-story accessory building could be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m<sup>2</sup>, and first floor to the ceiling being a maximum height of 2.64 m; and
- (ii) no accessory building shall project in front of any building line setback.

## **9. Waterbody Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

### USE ZONE TABLE

<b>ZONE TITLE</b>	<b>RESIDENTIAL INFILL</b>	<b>(RI)</b>
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling, recreational open space and antenna.		
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Child care, bed and breakfast operation, personal service, light industry, convenience store, agriculture and cemetery.		

STANDARDS	WHERE PERMITTED	
	Single Dwelling	Double Dwelling
Lot area m <sup>2</sup> (minimum)	See Conditions	See Conditions
Floor area m <sup>2</sup> (minimum)	74	74
Frontage m (minimum)	30	35
Building line setback m	10 minimum 15 maximum	10 minimum 15 maximum
Sidyard width m (minimum)	2	2
Rearyard Depth m (minimum)	15	15
Lot Coverage (%) (maximum)	33	33
Height m (maximum)	8	8
(See Conditions)		

### CONDITIONS

#### 1. Lot Area

Subject to the requirements of the Government Service Centre, the minimum area of land required for an unserviced lot shall be 1860 m<sup>2</sup>.

**2. Municipal Services**

Permitted and discretionary use classes shall only be permitted provided the site has direct access to an existing, publicly maintained road and Council is satisfied that the development will not create a demand for municipal water and sewer services.

**3. Future Municipal Services**

Should municipal water and sewer services become available, new residential development shall conform to the standards of the Residential Medium Density (RMD) Land Use Zone.

**4. Discretionary Use Classes**

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

**5. Discretionary Uses - Site Standards**

Where permitted, discretionary uses shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements for a single dwelling.

**6. Convenience Stores**

Convenience stores may be permitted as a discretionary use provided:

- i) The convenience store shall have an exterior design which is sensitive to the residential character of the area and the scale and density of surrounding land uses;
- ii) Convenience stores shall not exceed 55 m<sup>2</sup> of floor area;
- iii) The convenience store will not have a negative affect on adjacent residential uses because of noise, traffic, outdoor storage and display;

- iv) The convenience store shall be landscaped in a manner compatible with the surrounding residential area;
- v) The convenience stores shall be located in an area which Council deems appropriate and capable of accommodating the proposed use; and
- vi) Council may require fencing or other screening to protect the amenity of abutting residential uses.

## **7. Personal Service and Light Industrial Uses**

Personal service and light industrial uses may be permitted as a discretionary use in the form of personal services, small business services, small appliance repair, workshops and similar uses provided that:

- i) The use is clearly subsidiary to the residential use and the primary use of the property remains residential;
- ii) The use shall not change the outside appearance of the dwelling;
- iii) The use shall be entirely enclosed within the dwelling or inside buildings on the residential property;
- iv) No outdoor activities or storage associated with the use shall be permitted;
- v) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, or inconvenience and are not a nuisance to the occupants of adjoining residences;
- vi) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, and that no repairs to vehicles or heavy equipment are carried out; and
- vii) The proposed use shall be located in an area which Council deems appropriate and capable of accommodating the proposed use.

## **8. Traditional Agricultural Use**

Traditional small-scale hobby and subsistence agricultural uses may be permitted as an accessory use within this zone. The minimum lot area required for a particular use shall be determined by Council in conjunction with the Department of Natural Resources and the Department of Environment and Conservation, considering factors outlined in the Spaniard's Bay Municipal Plan. The minimum lot area shall be no less than 2,500 m<sup>2</sup>.

## **9. Accessory Buildings**

- (i) An accessory building on a lot which has a single family dwelling shall have a lot coverage no greater than 7%, up to a maximum of 81 m<sup>2</sup>, and a height of no more than 4.5 m; that a two-story accessory building could be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m<sup>2</sup>, and first floor to the ceiling being a maximum height of 2.64 m; and
- (ii) no accessory building shall project in front of any building line setback.

## **10. Waterbody Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>RESIDENTIAL SUBDIVISION AREA</b>	<b>(RSA)</b>
PERMITTED USE CLASSES - (see Regulation 89) None except maintenance and operation of existing uses (See Condition 1)		

**CONDITIONS****1. Residential Subdivision Area**

Lands in the Residential Subdivision Area are intended to be developed for residential uses. Before any residential development is permitted, a Comprehensive Development Scheme shall be prepared in conformity with section 3.4.2.4 of the Spaniard's Bay Municipal Plan.

**2. Advertisements Relating to Onsite Uses**

The erection or display of advertisements specified in Regulation 67 is permitted without application to Council. No other advertisements are permitted in this zone.

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>MIXED USE</b>	<b>(MU)</b>
<b>PERMITTED USE CLASSES - (see Regulation 89)</b> All use classes within the Residential Dwelling Uses division, all use classes in the Business or Personal Service Uses division, all use classes in the Mercantile Uses division except shopping centre.		
<b>DISCRETIONARY USE CLASSES - (see Regulations 32 and 90)</b> Light industry.		

**CONDITIONS****1. Development Standards**

The development standards for this zone shall be as follows:

i)	Minimum Building Line Setback	8 metres
ii)	Minimum Sideyards Width	5 metres
iii)	Minimum Rearyard Dept.	10 metres
(iv)	Maximum Height	10 metres

Residential development shall conform to the standards of the Residential Medium Density Land Use Zone.

**2. Discretionary Use Classes**

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

**3. Light Industrial Uses**

Light industrial uses may be permitted as a discretionary use under the following conditions:

- i) The light industrial use will not have a negative affect on adjacent residential uses because of noise, smoke, odour, dust, vibrations or unsightly appearance;
- ii) The use shall be designed and built to be compatible with the scale and density of surrounding land uses; and
- iii) A buffer strip not less than 10 meters wide shall be provided between the light industrial use and residential development. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barrier as may be required by the Council, and shall be maintained by the owner or occupier to the satisfaction of Council.

#### **4. Advertisements Relating to Onsite Uses**

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

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

#### **5. Advertisements Relating to Offsite Uses**

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

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



**6. Residential Buffer**

Council may require a buffer strip, fencing or other screening to protect the amenity of adjacent residential uses. The buffer or screening shall be provided and maintained by the owner or occupier.

**7. Accessory Buildings**

- (i) An accessory building on a lot which has a single family dwelling shall have a lot coverage no greater than 7%, up to a maximum of 81 m<sup>2</sup>, and a height of no more than 4.5 m; that a two-story accessory building could be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m<sup>2</sup>, and first floor to the ceiling being a maximum height of 2.64 m; and
- (ii) no accessory building shall project in front of any building line setback..

**8. Access**

The number of accesses to the street from commercial or light industrial uses shall be limited by, and designed to the satisfaction of, Council, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

**9. Parking and Loading**

Adequate off-street and loading facilities shall be provided on the site of commercial and light industrial uses for all employees; vehicles likely to be used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment.

**10. Outdoor Storage**

Outdoor storage shall be located in the rearyard of commercial and light industrial uses so as to have minimum visual impact from the street.

**11. Landscaping and Surfacing**

Commercial and light industrial lots shall be landscaped and provided with a stable surface to prevent raising or movement of dust, clay, mud and loose particles.

**12. Waterbody Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

### USE ZONE TABLE

ZONE TITLE	COMMERCIAL GENERAL	(CG)
<b>PERMITTED USE CLASSES - (see Regulation 89)</b> All use classes in the Assembly Uses group, commercial residential, all uses classes in the Business and Personal Service Uses group, all use classes in the Mercantile Uses group, general industry, light industry, service station, medical treatment and special care, transportation, single dwelling and apartment.		
<b>DISCRETIONARY USE CLASSES - (see Regulations 32 and 90)</b> Outdoor market, antenna, taxi stand, take-out food service and general industry.		

### CONDITIONS

#### 1. Development Standards

The development standards for this zone shall be as follows:

- |      |   |           |
|------|---|-----------|
| I)   | Minimum Building Line Setback   | 8 metres  |
| ii)  | Minimum Sideyard Width, except where buildings are built with adjoining party wells | 5 metres  |
| iii) | Minimum Rearyard Depth  | 10 metres |
| iv)  | Maximum Height  | 15 metres |

#### 2. Residential Uses

Residential uses shall be limited to apartments over commercial premises, caretaker's dwellings and single dwellings on lots of inadequate size to accommodate commercial or industrial uses. Existing residential uses shall be treated as conforming land uses. Any extension or reconstruction of an existing dwelling and any single dwelling shall be governed by the requirements of the Residential Medium Density Land Use Zone.

#### 3. Advertisements Relating to Onsite Uses

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

- I) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 m<sup>2</sup> in area.

#### **4. Advertisements Relating to Offsite Uses**

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

- i) Each advertisement shall not exceed 3 m<sup>2</sup> in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

#### **5. Access**

The number of accesses to the street shall be limited by, and designed to the satisfaction of, Council, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

#### **6. Parking and Loading**

Adequate off-street and loading facilities shall be provided on the site for all employees, vehicles likely to be used in or associated with the activity carried out on the site, and for vehicles of customers, clients, or other persons who visit the establishment.

#### **7. Protection of Adjacent Uses**

Adverse effects of any proposed development on adjacent uses shall be prevented or minimized through proper site planning and the provision of buffering by the developer to the satisfaction of Council. The buffer may consist of the provision of grass strips, hedges, trees or shrubs, or fences or walls as may be required by Council, and shall be provided and maintained by the owner or occupier to the satisfaction of Council.

**8. Open Storage**

Council may require screening from the Conception Bay Highway or adjacent uses. Material and equipment stored or parked outside shall be located and arranged to the satisfaction of Council.

**9. Landscaping and Surfacing**

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

**10. Services**

All development must be connected to municipal water and sewer systems. The cost of connecting the development to the municipal water and sewer systems shall be the responsibility of the developer.

**11. Waterbody Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

**12. Commercial/industrial Park-Veteran's memorial Drive**

A new commercial/industrial park is proposed at the end of Brown's Road where it intersects with Veteran's Memorial Drive. Approval of the Departments of Natural Resources and Transportation and Works shall be required prior to any development permit being issued by the Town.

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>INDUSTRIAL GENERAL</b>	<b>(IG)</b>
PERMITTED USE CLASSES - (see Regulation 89) Conservation, agriculture, and forestry.		
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) All use classes in the industrial use division, scrap yard, animal, veterinary, and antenna.		

**CONDITIONS****1. Municipal Services**

No uses shall be permitted in this zone that will create a demand for municipal water and sewer services.

**2. Industrial Uses**

Industrial uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses, or to those unsuitable to sites adjacent to other urban uses. Examples of the latter are industrial uses involving hazardous substances such as bulk fuel storage, requiring large lots, or featuring outdoor activities such as contractor's yards, and heavy equipment storage and maintenance.

**3. Scrap Yards - Separation from Adjacent Uses**

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

<u>Storage or Disposal Site</u>	Minimum Distance of Scrap yard or Solid Waste
Existing or proposed Residential Development	300 metres
Any other developed area or area likely to be developed during the life of the scrap yard or solid water use.	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

#### 4. Scrap Yard - Screening

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

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

**5. Scrap Yard - Fencing**

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

**6. Advertisements Relating to Onsite Uses**

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

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 m<sup>2</sup> in area.

**7. Advertisements Relating to Offsite Uses**

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

- i) Each advertisement shall not exceed 3 m<sup>2</sup> in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

**8. Waterbody Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.



### USE ZONE TABLE

ZONE TITLE	PUBLIC USE	(PU)
<b>PERMITTED USE CLASSES</b> - (see Regulation 89)		
Educational, cultural and civic, general assembly, place of worship, child care, recreational open space and indoor and outdoor assembly uses.		
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90)		
Theatre, passenger assembly, catering, amusement, collective residential, taxi stand, club or lodge, antenna, medical and professional, funeral home, cemetery, and take-out food service.		

### CONDITIONS

#### 1. Development Standards

The development standards for this zone shall be as follows:

(i)	Minimum Building Line Setback	10 metres
(ii)	Minimum Sideyard Width	5 metres
(iii)	Minimum Rearyard Depth	15 metres
(iv)	Maximum Height	15 metres

#### 2. Advertisements Relating to Onsite Uses

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

- (i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (ii) No advertisement shall exceed 5 m<sup>2</sup> in area.

### **3. Advertisements Relating to Offsite Uses**

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

- (i) Each advertisement shall not exceed 3 m<sup>2</sup> in area.
- (ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- (iii) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

### **4. Discretionary Use Classes**

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

### **5. Offices**

Government offices, banks, and other offices of a public nature shall be permitted in this zone. Commercial offices or offices associated with a business operation shall not be permitted.

### USE ZONE TABLE

<b>ZONE TITLE</b>	<b>OPEN SPACE RECREATION (OSR)</b>
PERMITTED USE CLASSES - (see Regulation 89) Recreational Open Space, conservation and outdoor assembly	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Convenience stores, take-out food service, catering, antenna and indoor assembly.	

### CONDITIONS

#### 1. Development Standards

The development standards for this zone shall be as follows:

(a)	Minimum Building Line Setback	10 m
(b)	Minimum Sideyard Width	5 m
(c)	Minimum Rearyard Depth	15 m
(d)	Maximum Height	15 m

#### 2. Advertisements Relating to Onsite Uses

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

- (i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (ii) No advertisement shall exceed 5 m<sup>2</sup> in area.

### **3. Advertisements Relating to Offsite Uses**

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

- (i) Each advertisement shall not exceed 3 m<sup>2</sup> in area.
- (ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- (iii) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

### **4. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses. Catering uses to be considered within this use zone shall be limited to refreshment booths/pavilions which would server recreation users.

### **5. Land Unsuitable for Development**

Land immediately adjacent to any shoreline or stream which is unsuitable for development due to steep slope, poor drainage, potential for erosion, or potential for flooding shall be retained in its natural state of topography, soil and vegetation.

### **6. Take Out Food Service and Catering**

A take out food service and catering use may be considered on a discretionary basis provided it serves recreational activities only.

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>OPEN SPACE CONSERVATION</b>	<b>(OSC)</b>
PERMITTED USE CLASSES - (see Regulation 89) Open Space and Conservation		
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Agriculture and Forestry, antenna, recreational open space, cemeteries.		

**CONDITIONS****1. Discretionary and Special Use Classes**

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

**2. Permanent Structures**

No permanent buildings or structures shall be permitted on lands within this zone except for those necessary for conservation of the natural environment.

**3. Public Access**

Public access will be preserved, where possible, to Open Space - Conservation areas.

**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>TRANSPORTATION HIGHWAY</b>	<b>(TH)</b>
PERMITTED USE CLASSES - (see Regulation 89)		
Highway.		

**CONDITIONS****1. Veteran's Memorial Highway**

Lands within this zone are reserved for maintenance of the Veteran's Memorial Highway.

**2. Access**

New access onto the Veteran's Memorial Highway shall be prohibited unless approved by the Department of Transportation and Works.

## USE ZONE TABLE

ZONE TITLE	WATERSHED	(W)
<b>PERMITTED USE CLASSES</b> - (see Regulation 89)		
Conservation.		
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90)		
Mineral workings, forestry, agriculture, and conservation.		

## CONDITIONS

### 1. Discretionary Uses

Council may permit discretionary uses provided it is satisfied that those uses will not jeopardize domestic water quality and quantity. All development applications within the Watershed Land Use Zone shall be referred to the Water Resources Management Division, Department of Environment and Conservation.

### 2. Referrals for Resource Potential Areas

Prior to Council considering proposals in areas having resource potential in areas identified on the Land Use Zone Map, a referral shall be required to the appropriate Government Department as identified below:

Blueberry Management Area: Land Resource and Stewardship Division,  
Department of Natural Resources

Productive Forest: Forest Management Division, District 1  
Department of Natural Resources

Aggregate Reserve Area: Mineral Lands Division,  
Department of Natural Resources.

Within 100 metres of the shoreline of any river, brook or pond:  
Habitat Management Section  
Fisheries and Oceans Canada

Watercourse Alterations, Stream Crossings or Infilling of Waterbodies In the Rocky  
Pond Protected Watershed:

Habitat Management Section  
Fisheries and Oceans Canada, and

Water Resources Management Division  
Department of Environment and Conservation

### 3. Waterbody Buffers

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

No development shall be located closer to the specified waterbodies than the minimum distance set out below:

Waterbody	Minimum Distance of Waterbody
Existing or proposed Residential Development	300 metres
Any other developed area or area likely to be developed during the life of the scrap yard or solid water use.	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

### 4. Mineral Workings

Mineral workings shall be subject to the appropriate conditions set out in the Rural zone.



## USE ZONE TABLE

ZONE TITLE	RURAL	(RUR)
PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry, mineral exploration, conservation,		
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Single dwelling, mineral working, general industry, scrap yard, solid waste, recreational open space, cemetery, antenna.		

## CONDITIONS

### 1. Municipal Services

No uses shall be permitted in this zone that will create a demand for municipal water and sewer services.

### 2. Resource Potential Areas

Permits may be issued in areas having resource potential as shown on Zoning Maps only after Council has referred the proposal to the appropriate government agency as identified below:

Blueberry Management Area	Land Resource Stewardship Division, Department of Natural Resources
Productive Forest	Forest Management Division, District 1 Department of Natural Resources
Aggregate Reserve Area	Mineral Lands Division, Department of Natural Resources

### 3. Advertisements Relating to Onsite Uses

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

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 m<sup>2</sup> in area.

#### **4. Advertisements Relating to Offsite Uses**

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

- i) Each advertisement shall not exceed 3 m<sup>2</sup> in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

#### **5. Discretionary Use Classes**

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

#### **6. General Industry**

General industry uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.

#### **7. General Industry - Separation from Adjacent Uses**

Unless Council is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, Council shall require the provision of buffering by the developer to the satisfaction of Council.

## 8. Discretionary Use - Dwelling (Agriculture)

A residential dwellings may be permitted at the discretion of Council provided it is in conjunction with an agricultural use and is necessary to the successful operation of that use and shall be subject to the following conditions:

- (i) that the agricultural use is a full-time commercial operation as described by the Department of Natural Resources, and that the occupier of the proposed residence is actively engaged in the agricultural activity on the same parcel of land for which the residence is proposed;
- (ii) that, in the case of root crop or sod farm production, a minimum of six (6) hectares has been cultivated and in production for at least two (2) years; and/or
- (iv) that, in the case of greenhouse production, a minimum of 400 m<sup>2</sup> of greenhouse space has been constructed, and earth within prepared for cultivation.

## 9. Mineral Workings

### a) Application

All applications for borrow pits, quarries or other development in the Aggregate Reserve Areas identified on Land Use Zoning Map B, shall be subject to the review and approval of the Mineral Lands Division, Department of Natural Resources.

### b) Separation from Adjacent Uses

No borrow pit or quarry shall be located closer than the minimum distances set out below unless Council is satisfied that the development shall not create a nuisance and shall not adversely affect the amenity of the specified development or natural feature:

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

c) Screening

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

- (i) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of Council or, at its discretion, condition 2(b) must be undertaken.
- (ii) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to Council's satisfaction.
- (iii) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- (iv) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a) - © above, Council may refuse to permit the use or associated activity.

d) Fencing

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

e) Pollution Protection

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

f) Water Ponding

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road

to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.

g) Erosion Control

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

h) Site Maintenance

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

l) Access Roads

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

j) Stockpiling Cover Material

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

k) Operating Plant and Associated Processing and Manufacturing

- i) Council may permit processing and manufacturing uses associated with mineral workings provided that the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
- ii) All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with present or future extraction of aggregate resources.
- iii) Council may specify a minimum separation distance between an operating plant or associated processing and manufacturing structure or equipment and the adjacent developed areas or areas likely to be developed during the life of the mineral workings.

l) Termination and Site Rehabilitation

- i) Upon completion of the mineral working, the following work shall be carried out by the operation:
  - a) All buildings, machinery and equipment shall be removed.

- b) All pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working.
- c) Topsoil and any organic materials shall be spread over the entire quarried area.
- d) The access road to the working shall be ditched or barred to the satisfaction of Council.
- ii) If the mineral working contains reserves of material sufficient to support further extraction operations, Council may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

## 10. Scrap Yards and Solid Waste

### a) Separation from Adjacent Uses

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

<u>Storage or Disposal Site</u>	<u>Minimum Distance of Scrap yard or Solid Waste</u>
Existing or proposed Residential Development	300 metres
Any other developed area or area likely to be developed during the life of the scrap yard or solid waste use.	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

### b) Screening

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

- i) Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets

will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of Council, condition 2(b) must be undertaken.

- ii) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to Council's satisfaction.
  - iii) Where natural topography creates a visual screen between a scrap yard or solid waste storage or disposal site and adjacent public highways and streets or other land use (excepting forestry and agriculture), additional screening may not be required.
  - iv) Where effective screening for any scrap yard or solid waste disposal or storage use cannot be installed or located as required in (a) - (c) above, or where the site is highly visible from a distance, Council may refuse to permit the use or associated activity.
- c) Fencing

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

## **11. Recreation Open Space Uses**

Council may permit recreation open space uses such as parks, tent and trailer campgrounds, golf driving ranges, golf courses and other similar recreational commercial uses in the Rural zone provided Council is satisfied that such development does not conflict with adjacent rural uses by reason of hours of operation, or creation of noise, dust or large volumes of traffic.

## **12. Recreation Open Space Uses - Landscaping**

The parking area and access to the recreation open space use shall be landscaped to the satisfaction of Council and provided with a stable surface to prevent raising or movement of dust, clay, mud and loose particles.

**13. Waterbody Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

**14. Watercourse Pollution**

The Authority shall review each application to ensure that it will not cause or precipitate or contribute to a pollution problem or create erosion or sedimentation.



# Spaniard's Bay

## Schedule D

### 2009 - 2019



PLAN-TECH



ENVIRONMENT

**SCHEDULE 'D'****OFF-STREET PARKING REQUIREMENTS**

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

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

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
B	1	(a) Penal and Correctional Detention	As specified by the Authority.
C	2	(a) Medical Treatment and Special Care	One space for every 2 patients.
	1	(a) Single Dwelling	Two spaces for every dwelling unit.
C		(b) Double Dwelling	Two spaces for every dwelling unit.
		(c) Row Dwelling	Two spaces for every dwelling unit.
		(d) Apartment Building	Three spaces for every 2-dwelling units.
	2	(a) Collective Residential	As specified by the Authority.
		(b) Commercial Residential	One space for every guest room.
		(c) Seasonal Residential	One space for every residential unit.
		(d) Mobile Home	Two spaces for every dwelling unit.
D	1	(a) Office	One space for every 20 square metres of gross floor area.
		(b) Medical and Professional	One space for every 20 square metres of gross floor area.
		(c) Personal Service	One space for every 20 square metres of gross floor area.
		(d) General Service	One space for every 20 square metres of gross floor area.
		(e) Communications	As specified by the Authority.
		(f) Police Station	As specified by the Authority.
		(g) Taxi Stand	As specified by the Authority.
		(h) Take-out Food Service	One space for every 20 square metres of gross floor area.
		(i) Veterinary	One space for every 20 square metres of gross floor area.
E	1	(a) Shopping Centre	One space for every 15 square metres of gross floor area.
		(b) Shop	One space for every 20 square metres of gross floor area.

G R O U P	D I V I S I O N	C L A S S	M I N I M U M O F F - S T R E E T P A R K I N G R E Q U I R E M E N T
		(c) Indoor Market	As specified by the Authority.
		(d) Outdoor Market	As specified by the Authority.
		(e) Convenience Stores	One space for every 20 square metres of gross floor area.
F	1	(a) Hazardous Industry	One space for every employee.
	2	(a) General Industry	One space for every employee.
		(b) Service Station	One space for every 20 square metres of gross floor area.
	3	(a) Light Industry	One space for every employee.