

**TOWN OF SPRINGDALE
DEVELOPMENT REGULATIONS 2015**

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF SPRINGDALE DEVELOPMENT REGULATIONS 2015**

Under the authority of Section 16 of the Urban and Rural Planning Act 2000, the Town Council of Springdale adopts the Town of Springdale Development Regulations 2015.

Adopted by the Town Council of Springdale on the 1st day of February, 2016.

Signed and sealed this 14th day of March, 2016.

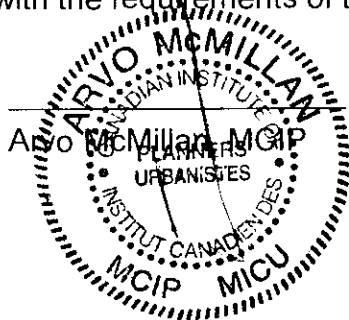
Mayor: Harvey Tizzard
Harvey Tizzard

Clerk: Daphne Earle
Daphne Earle

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP:



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF SPRINGDALE DEVELOPMENT REGULATIONS 2015**

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

- a) adopted the Town of Springdale Development Regulations 2015 on the 1st day of February, 2016.
- b) gave notice of the adoption of the Town of Springdale Development Regulations 2015 by advertisement inserted on the 11th day of February, 2016 and the 18th day of February, 2016 in the Nor'Wester newspaper.
- c) set the 2nd day of March, 2016 at 7:00 p.m. at the Springdale Town Hall for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, on the 14th day of March, 2016 the Town Council of Springdale approves the Town of Springdale Development Regulations 2015.

SIGNED AND SEALED this 14th day of March, 2016

Mayor: Harvey Tizzard
Harvey Tizzard

Clerk: Daphne Earle
Daphne Earle

4910-2016-012
April 11, 2016
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**TOWN OF SPRINGDALE MUNICIPAL PLAN
DEVELOPMENT REGULATIONS**

APPLICATION

1. Short Title

These Regulations may be cited as the Springdale Development Regulations.

2. Interpretation

(1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.

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

3. Commencement

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

4. Urban and Rural Planning Act 2000 - Ministerial Development Regulations

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

5. Municipal Code and Regulations

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

6. Town

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

PART I – GENERAL REGULATIONS

7. Compliance with Regulations

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

8. Permit Required

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

9. Permit to be Issued

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

10. Permit not to be Issued in Certain Cases

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

11. Discretionary Powers of Town

In considering an application for a permit or for approval in principle to carry out development, the Town shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Town may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application. However, the exercise of this discretionary power does not enable the Town to allow a permitted use or discretionary use which is not permitted under Schedule C or other Regulation.

12. Variances by Town

- (1) See Ministerial Development Regulations, Section 12.
- (2) Where an approval or a permit cannot be given by the Town because a proposed development does not comply with development standards set out in these Regulations, the Town may, in its discretion, vary the applicable development standards to a maximum of 10%, if, in the Town's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to the public interest.
- (3) The Town shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately not greater than 10%.
- (4) The Town shall not permit a variance from the development standards where the proposed development would increase the non conformity of an existing development.
- (5) Public Notice – When a variance is necessary under this Regulation, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

13. Service Levy

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

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

14. Financial Guarantees by Developer

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

the Town and the Department of Natural Resources.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Part IV (Subdivisions), the Town may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Town in accordance with Section 37 of the Act.

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

16. Reinstatement of Land

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

17. Form of Application

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

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

18. Register of Application

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

19. Deferment of Application

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

20. Approval in Principle

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

21. Development Permit

- (1) A plan or drawing which has been approved by the Town and which bears a mark and/or signature indicating such approval together with a permit shall be

deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.

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

22. Development Permit – Temporary Use

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

23. Reasons for Refusing Permit

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

24. Notice of Application and Proposed Area Plan

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

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

25. Right of Entry

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

26. Record of Violations

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

27. Stop Work Order and Prosecution

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

(2) A person who does not comply with an order made under Regulation 27(1) is guilty of an offence under the provisions of the Act.

28. Appeals

See Ministerial Regulations- Sections 5 to 11.

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

PART II - GENERAL DEVELOPMENT STANDARDS

29. Access Ramps

An access ramp for a wheel chair, may, at the discretion of the Town after consultation with abutting property owners, be erected in a minimum front, rear or side yard if there is no alternative means of providing the access ramp and it does not create a safety hazard or block sight lines.

30. Accesses and Service Streets

- (1) Access shall be located to the specification of the Town so as to ensure the greatest possible convenience and safety of the street system and the Town may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) Any access to a Provincial Highway must be approved by the Department of Transportation and Works.
- (3) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

31. Accessory Buildings

This Regulation only applies to single dwelling, double dwelling, row dwelling, apartment building, boarding house - bed and breakfast and seasonal residential use classes accessory buildings. Accessory buildings for all other use classes are treated in the same manner as the principal or main buildings.

- (1) General - 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 as the main building or buildings.
- (2) Building Line - The minimum building line (distance from the front lot line) for an accessory building shall be:
 - a) Residential Low Density Zone 8 metres
 - b) Residential Medium Density Zone 6 metres
 - c) Town Centre Zone 6 metres
 - d) Commercial Zone 6 metres

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- | | | |
|----|---------------------------|----------|
| e) | Public Zone | 6 metres |
| f) | Seasonal Residential Zone | 8 metres |
- (3) Side Yard - Except for row and double dwellings where an accessory building can be built to the side lot line, provided that the wall adjoining the side lot line is of fire resistant construction, the minimum side yards (distance from the side lot lines) are as follows:
- | | | |
|------|---|-----------|
| a) | Minimum Side Yard - building up to 4 metres in height | 1 metre |
| b) | Minimum Side Yard - building exceeds 4 metres height | 2 metres |
| c) | Minimum Side Yard Flanking Road (for a Corner Lot) | |
| i) | Residential Low Density Zone | 8 metres |
| ii) | Residential Medium Density Zone | 6 metres |
| iii) | Town Centre Zone | 6 metres |
| iv) | Commercial Zone | 6 metres |
| v) | Public Zone | 6 metres |
| vi) | Seasonal Residential Zone | 8 metres. |
- (4) Rear Yard - The minimum rear yard (distance from the rear lot line) of an accessory building shall be 1 metre for any building up to 4 metres in height, and 2 metres for any building more than 4 metres in height up to the maximum allowable height.
- (5) Separation Distance from Dwelling - Accessory buildings shall maintain a minimum separation distance of 3 metres from a dwelling.
- (6) Lot Coverage - The combined lot coverage of all accessory buildings, including accessory dwellings, together **with principal and other buildings** on a lot shall be as follows:
- | | | |
|----|---------------------------------|-----|
| a) | Residential Low Density Zone | 15% |
| b) | Residential Medium Density Zone | 33% |
| c) | Town Centre Zone | 33% |
| d) | Commercial Zone | 33% |
| e) | Public Zone | 33% |
| f) | Seasonal Residential Zone | 15% |
- (7) Floor Area - No floor area requirements are set out for accessory buildings.
-

- (8) Height - The maximum allowable height of any accessory building shall not exceed the height of the dwelling, unless it is two metres or closer to the side or rear lot line, in which case the maximum allowable height shall not exceed 4 metres.

32. Accessory Uses

See also Schedule A - Definitions.

Subject to the other requirements of these Regulations, including those of Schedule C, uses accessory to the permitted or discretionary use are allowed.

Subject to Schedule C, examples of accessory uses include, but are not limited to:

- a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, or hotel (commercial - residential) and/or a gift or souvenir shop in a museum, hotel or other establishment;
- b) a general garage attached to or forming part of a car-dealership or other major retail-wholesale outlet;
- c) an office, convenience store and/or catering establishment in a campground;
- d) a marina, dock or wharf in a residential or other zone;
- e) an accessory dwelling, accessory dwelling unit;
- f) a business carried out in a dwelling or residential accessory building by a resident of the dwelling;
- g) a dwelling accessory to a non-residential permitted or discretionary use - for example, a farm dwelling or a caretaker's dwelling.

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

33. Advertisements and Signs

The terms "advertisement" and "sign" are interchangeable.

- (1) Permit Required

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

(2) Form of Application

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

(3) Advertisements in Street Reservation

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

(4) Permit Valid for Limited Period

- a) A permit shall be valid for a period of one year and failure by the applicant to initiate construction before expiration of the first permit year shall require reapplication to the Town.
- b) Where, upon expiration of the first permit year a person wants the continued placement of that sign, that person shall apply to the Town for a renewed permit.
- c) The Town may issue a renewed permit and that renewed permit shall be valid for a period of three years, and this must subsequently be renewed for further three year periods if the sign is to remain in place.
- d) A renewed permit shall not be issued until the Town is satisfied that the sign has been maintained to its satisfaction and conforms to these Regulations and the conditions attached to the permit.

(5) Removal of Advertisements

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

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

(6) Signs - Non-Conforming Uses

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

(7) Prohibition

A sign shall not be erected, posted or placed:

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

(8) Signs or Advertisements Not Specifically Covered

If for some reason an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, then subject to the other applicable requirements of these Regulations the Town may approve, approve with conditions, or refuse to approve the sign or advertisement.

34. Advertisements Exempt from Control

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

- a) a posting of a candidate in a federal, provincial or municipal election or a regional school board election;
- b) a temporary sign relating to federal, provincial or municipal public works;
- c) a notice required by law to be posted;
- d) a regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Works;
- e) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- f) a sign, not exceeding 0.5 square metres, advertising the sale or rental of a building or lot upon which the sign is located;
- g) a flag, emblem or insignia of a nation, country or province;
- h) one temporary sign related to building construction located on a site on which the work is being carried out;
- i) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m² in area;
- j) on an agricultural holding or farm, a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land;
- k) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- l) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;
- m) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m² in area in connection with the practice of a business carried on in the premises;
- n) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board placed no closer than 3 metres from a street line;
- o) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- p) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot; and,
- q) a sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

35. Advertisements - Temporary and/or Portable Signs

A temporary and/or portable sign may be permitted in any zone for a period not exceeding 90 consecutive days, provided the sign:

- a) does not exceed 4 square metres in area;
- b) does not create or aggravate a traffic hazard, such as by blocking a sight-line;
- c) does not interfere with other lawful signs, including directional signs;
- d) is of a location, materials, design and colour in keeping with the character and appearance of the area;
- e) if necessary, is approved by the Department of Government Services, together with the Town.

The sign shall be immediately removed upon expiry of the permit.

A renewal permit for a temporary and/or portable sign may only be issued thirty days after the expiry of the original permit.

36. Advertisements and Signs near Highways

Pursuant to Newfoundland Regulation 85/99 as amended, the Provincial Government has designated "control lines" alongside each provincially maintained route. These lines extend 400 metres from the highway centre lines, except that the control area is reduced within the within Municipal Boundaries and built up areas of incorporated communities to 100 metres from the centre line of a provincial highway. Advertisements and signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Government Services office serving the area.

37. Advertisements Relating to Onsite Uses

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

- a) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Town, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area;
- b) unless it is a sign affixed to the wall or canopy of a building the advertisement shall not exceed 5 square metres in area on any side.

38. Advertisements Relating to Offsite Uses

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

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

39. Agriculture and Livestock

- (1) Agricultural uses are regulated by the Town and the Provincial Government, subject to the Farm Practices Act, the Environmental, Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador, Environmental Guidelines for Poultry Producers in Newfoundland and Labrador and other relevant policies and legislation. Agricultural uses shall be approved by both the Agrifoods Development Branch, the Town, together with other appropriate agencies.
- (2) Except for infill development any *residential development* within 600 metres of structure containing more than five animal units, including five horses, must be referred to the Agrifoods Branch for a recommendation. The Town shall not issue a permit contrary to the recommendation.
- (3) Any *livestock structure (barn)* containing five or more animal units must be located at least 600 metres from a non-farm dwelling, unless otherwise determined after referral to, and upon recommendation of, the Agrifoods Development Branch. The structure shall be at least 60 m from the boundary of the property on which it is to be erected and shall be at least 90 m from the centre line of a street. The erection of the structure shall be approved by the Agrifoods Development Branch before a permit is issued by the Town.
- (4) Subject to the approval of the Agrifoods Development Branch, including

the principal farm residence, two dwellings can be allowed on a farm provided they are located on the same parcel of land and the second dwelling is located in such a way as not to prejudice the farm operation.

40. Archaeological Resources and Heritage Sites and Areas

Archaeological sites and discoveries are protected under the *Historic Resources Act, RSNL, 1990 CHAPTER H-4*. If such a site is discovered, in the Town and Planning Area development shall stop and the Provincial Archaeology Office of the Department of Business Tourism, Culture and Rural Development consulted.

The Provincial Archaeology Office has identified a number of archaeological sites which are located in the West Bottom area of Hall's Bay, Hall's Bay, Indian Brook Arm and Dock Cove Hall's Bay.

These sites are protected by buffers as shown on the Future Land Use and Land Use Zoning Maps where all development, except for surface landscaping and fencing, must be reviewed and approved by the Provincial Archaeology Office of the Heritage Division of the Department of Business, Tourism, Culture and Rural Development before a permit is issued by the Town.

After proper notification and consultation, the Town may designate any property or structure a heritage property or building and require that certain conditions pertaining to appearance and upkeep be maintained.

The Town may designate an entire area containing groupings of archaeological and/or heritage sites a heritage area under which certain conditions designed to protect and best develop the resources are put into place.

41. Bed and Breakfast, Boarding House

Bed and breakfast and/or boarding house is subject to the following conditions:

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

42. Buffers - Non-Residential

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

43. Building Line and Setback

- (1) The Town, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.
- (2) Notwithstanding the minimum front, side and rear yard requirements set out under Schedule C, The Town, at its discretion, may allow development to complement existing building setbacks of adjoining properties by varying the yard requirements after notification of the proposed variance is given to neighbouring property owners in accordance with Regulation 24 of these Regulations.
- (3) The building line setback is measured from the front property line.
- (4) In accordance with the Building Near Highways Regulations 1997, the building line along Provincial highways shall not be less than that specified under the Building Near Highways Regulations. The minimum building line is 15 metres from the centre-line of Highway 390 to the Transportation and Works Garage in Springdale.

44. Buildings on a Lot

See also Regulation 48, Comprehensive Development.

- (1) More than one apartment building, double dwelling and/or row dwelling can be allowed on a lot, provided that the requirements of Schedule C and other regulations are satisfied.
- (2) More than one single dwelling can be allowed on a lot provided that the

requirements of Schedule C and other parts of these regulations are satisfied and provided that the dwellings are located and serviced in such a way that, should it be necessary, that unless it is a subsidiary dwelling (Regulation 76), the property can be subdivided to create two or more lots and that the lots, dwellings and accessory buildings located on these lots can meet the requirements of the Use Zone in which they are located.

- (3) Other Use Classes - two or more buildings can be erected on a lot provided that the yard and setback and other requirements of Schedule C and other parts of these Regulations are satisfied.

45. Campground

A plan of the campground shall be submitted in a format satisfactory to the Town, showing and specifying the number and location of campsites and all facilities, services, internal roads and measures for buffering and/or screening. The approved plan, together with any other approvals and conditions shall form part of the permit.

46. Child Care

Where allowed, a child care facility shall be compatible with the residential or other area within which it is located. In a residential area there shall be no visible indication that such a use is occurring, except for a small identification sign. The approval of the department of Government Services is required before a permit for a child care facility is issued by the Town.

47. Coastline and Harbour Areas, Streams

In order to protect lives and property and the natural environment, the Town shall review development proposals for sites adjacent or near streams and the marine coast line and harbours to ensure that unless it is a use requiring direct access to the body of water:

- a) it is not likely to be damaged by a storm;
- b) it is not a vulnerable or critical use, that is, a multi-unit residential use, a use catering to persons with disabilities or other special needs, and/or a use related to emergency services (example – a fire station or emergency command centre, emergency shelter or other facility) – uses which if damaged or destroyed, could cause injury or loss of life and/or make it more difficult to respond to an emergency.

The Town in its discretion may refuse to issue a permit for a development that could be affected by a storm event based upon previous events, local knowledge and/or research carried out in respect of climate change.

However existing conforming uses can be allowed to expand.

48. Comprehensive Development

At its discretion the Town may approve a comprehensive development that only in its overall density and land use complies with the development standards of a Use Zone. Provided that the comprehensive development itself fronts on a public road and there is adequate access, dwellings and other buildings within the Comprehensive Development need not directly front on a public road.

A comprehensive development is subject to an Approval in Principle.

The Approval In Principle shall set out:

- a) the development standards to be followed for the development;
- b) the development plan with phasing and costs, showing land use, lotting and building location, public and private open spaces and buffers, roads, water and sewer services, and other relevant information and this development plan shall set out the general specifications of the roads, services and other relevant elements;
- c) the permitting requirements - what permits are required and when;
- d) when construction drawings are to be required – in general, construction drawings may only be required prior to the start of a phase or element of the development plan;
- e) the responsibility for the maintenance and upgrading of services, and the provision of other services, such as garbage collection and street lighting;
- f) the financial guarantees in respect of municipal water, sewer, road and related works to ensure that each phase of the work will be done in accordance with the Approval;
- g) the financial and other obligations of the parties to the agreement;
- h) the legal survey of the property.

49. Decks

An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards and flanking road setback and

shall not be closer to the rear lot line than 1 metre. A deck is not included in the calculation of lot coverage under Schedule C. Decks attached to non-dwelling buildings shall not extend into the minimum rear yard for the use.

50. Discretionary Use Classes

The discretionary use classes listed in Schedule C may be permitted at the discretion of the Town 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.

51. Entrance and Window Wells

An entrance well or a window well is permitted in the minimum front, rear or side yard under Schedule C provided it does not extend more than 0.3 metres above grade.

52. Family and Group Care Centres

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

53. Fences

(1) Applicability - Except as otherwise set out in Schedule C or in a Fence Regulation adopted under the Municipalities Act, the requirements of this Section shall apply to all fences.

(2) Fence - For the purpose of this Regulation a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes, and, that portion of a retaining wall which projects above the surface of the ground which it supports.

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- (3) Public Authorities - The provision of these Regulations shall apply to all public authorities except in those cases where an exception from the Regulations is require to respond to an emergency or for a public purpose.
 - (4) Damages - The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.
 - (5) Order to Remove Fence - When in the opinion of the Town, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specified time in order to correct the safety hazard or obstruction and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove the fence within the specified time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.
 - (6) Fence Maintenance - Every person who owns a fence shall maintain such fence in a good state of repair. For the purpose of this section, "good state of repair" shall mean:
 - a) the fence is complete and in a structurally sound condition and plumb and securely anchored;
 - b) protected by weather -resistant materials;
 - c) fence components are not broken, rusted, rotten or in a hazardous condition;
 - d) all stained or painted fences are maintained free of peeling; and
 - e) that the fence does not present an unsightly appearance deleterious to abutting land or to the neighbourhood.
 - (7) Fence Materials - The material or materials used in the erection and repair of a fence, shall only be of a type which meets the approval of the Council.
 - (8) Fence Height - Sight Lines - Except as otherwise provided no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line within the triangle formed by two street lines and a line connecting two points on the two street lines located 15 metres from the

point of intersection of the two street lines where one of the streets is an arterial or collector street, or 8 metres from the point of intersection of the two street lines where the two streets are local streets. Also, except as otherwise provided, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line at the intersection of a driveway and a road where in the opinion of the Council it impedes sight lines.

- (9) Maximum Height - Building Line and Street Line - Unless required for screening or safety purposes, no fence shall be greater than 0.75 metres in height between the building line and the street line.
- (10) Maximum Height - The maximum height of a fence shall not exceed 1.8 metres except where additional height is required by the Town for screening or security, in which case the maximum height of a fence shall not exceed 2.4 metres.
- (11) Electrical Fence - No person shall erect an electrical fence on any land, unless required for the containment of livestock or the protection of crops from marauding animals.
- (12) Barbed Wire Fence - No person shall erect a fence consisting wholly or partly of barbed wire or other barbed material except along the top of any fence in excess of 2.1 metres enclosing a lot used for commercial or industrial purposes provided the industrial or commercial lot does not abut a residential lot or residential use zone.
- (13) Snow Fence - No person shall erect or maintain a snow fence for the period May 1st to October 31st in any year on land used for residential or commercial purposes.
- (14) Swimming Pool Fence - A fence with a minimum height of 1.8 metres shall be erected and maintained around an open swimming pool that is 300 mm or deeper.

54. Forestry

Approvals for woodcutting or other forestry related activities must be obtained from the Forestry and Agrifoods Agency.

55. Groundwater Supply Assessment – New and Existing Subdivisions

The approval of new unserviced subdivisions or the addition of unserviced lots to

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

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

56. Home Business

A Home Business can only be permitted as an accessory use (Regulation 32) if:

- a) the primary use of the property remains residential and the scope and intensity of the use classes is entirely compatible with the residential uses of the property and neighbourhood, and the business is operated by a resident of the dwelling;
- b) one off-street parking space, other than that required for the dwelling, is provided for every twenty (20) square metres of floor space occupied by the home business;
- c) no mechanical equipment is used except that reasonably consistent with the use of a dwelling;
- d) no wholesale or retail sale of goods is externally apparent - for example, if sale of crafts occurs it does not occur through walk-in or drive-in trade;
- e) there is no outdoor storage or display;
- f) a non-illuminated identification sign not exceeding 0.28 m² in area shall be permitted on the dwelling provided that the sign is consistent with residential character of the neighbourhood;
- g) no change in the type, class or extent of the home business shall be permitted except with the approval of the Town.

57. 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.

58. Lot Area and Size Exceptions

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

59. Lot Frontage

Except as otherwise set out in these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a publicly owned and maintained street or forms part of a Comprehensive Development, is a seasonal residence or falls within the Non-Building Use Group.

60. Mineral Exploration

- (1) Subject to the other provisions of these Development Regulations, mineral exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Town, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development shall or may only be permitted where it is set out as a permitted or discretionary use in a use zone under Schedule C and provided that:
 - a) adequate provision is made for buffering and/or other means of reducing or eliminating the impacts of the exploration on other uses, the environment and waterways and wetlands;

- b) where there is soil disturbance, the developer shall provide a site restoration or landscaping surety and/or other satisfactory guarantees of site restoration or landscaping to the Town.
- (3) No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been obtained from the Departments of Natural Resources, Government Services, and Environment and Conservation, together with any other relevant Provincial agencies.

61. Mineral Working

Along with a permit from the Town, any mineral working and quarry, is subject to a permit or lease from the Department of Natural Resources pursuant to the Quarry Materials Act and other relevant legislation.

Where the quarrying is occurring as a result of a site development, the Town shall send a copy of the permit to the Department of Natural Resources.

Where there is a conflict between these Regulations and the Quarry Materials Act, the Quarry Materials Act shall prevail.

Where there is a lawful mineral working or quarry which entails blasting or other activity, and residential development is allowed to intrude upon the minimum buffers set out for the operation, this shall not cause the operation to cease or otherwise change the nature of the activity on the site.

Site Development – Quarry and Soil Removal

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate permit shall be obtained from the Department of Natural Resources, for the removal of quarry materials and the Town. A copy of the Town's permit must be forwarded to the Department of Natural Resources.
- (2) A site development quarry under this Regulation is permitted wherever the use that this quarry is associated with is permitted.
- (3) A quarry permit issued under this Regulation shall only be valid for a period of one year or the term of the site development, whichever is the lesser. However, if the Town feels that it is warranted, the permit may be renewed for additional one-year periods up to a maximum of three years from the date of the issuance of the first permit.

- (4) When the work is completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Town.
- (5) If the site work is extensive, the Town may require the deposit of surety in accordance with Regulation 14(3) that shall be returned to the developer upon satisfactory completion of the work.

Mineral Working

A Mineral Working not associated with another development shall meet the separation distances conditions set out below, together with such other conditions pertaining to screening, water pollution, erosion control etc. as the Department of Natural Resources and the Town shall deem satisfactory.

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

	<u>Minimum Buffer Distance of Pit or Quarry Working</u>
Explosive blasting and residential development	1,000 metres
Existing or Proposed Residential Development during life of pit or quarry – no blasting	300 metres
Any other development area, or area likely to be developed during the life of the pit or quarry working	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres
Access Roads	
No quarry may be developed where the access road passes through a residential neighbourhood.	

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

Stockpiling Cover Material

All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from uncleared areas and 10 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials..

Operating Plant and Associated Processing and Manufacturing

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

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

The Town may specify a minimum separation distance between the operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

Termination and Site Rehabilitation

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

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

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

Buffers

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

Extraction & Rehabilitation Plan

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

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

Nothing in this Regulation shall prevent the Town from accepting a development or reclamation plan, or similar plan submitted to the Department of Natural Resources under a provision of the Quarry Materials Act 1998.

Permit Fee

In consultation with the Department of Natural Resources, the development permit fee for a mineral working shall be determined by the Town in an amount sufficient to cover the review of any required Development and Reclamation Plans by a professional engineer, ongoing inspection of the site for conformity with any required Plans and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation, and, where applicable, for purposes of return or cancellation of the financial guarantee. required under Regulation 14(3).

62. Mobile Home

A mobile home can only be located in an approved mobile home park containing ten or more mobile home lots.

63. Mobile Home Park

- (1) A mobile home park shall contain at least ten (10) mobile home lots.
- (2) The mobile home lot requirements are as follows:
 - a) Lot area minimum per dwelling unit - 360 m²
 - b) Lot Frontage minimum per dwelling unit - 12.2 m
 - c) Building line setback minimum – 6 m
 - d) Side yard width minimum - one side – 1.2 m and the other side – 3.7 m
 - e) Rear yard depth minimum – 3.6 m
 - f) Lot coverage total all buildings maximum – 33%.
- (3) A mobile home park shall be fully serviced with water and sewer connected to the municipal water and sewer system. The cost of installing water and sewer and connecting them to the municipal water and sewer system and their ongoing maintenance shall be the responsibility of the developer. Each mobile home shall be serviced with water and sewer.
- (4) The development and maintenance of site facilities including underground services, communal areas and garbage collection are the responsibility of the mobile home park developer and/or operator.
- (5) The maximum density of the mobile home park shall be 20 mobile homes per gross hectare.
- (6) The maximum number of mobile home lots in a park shall not exceed fifty.
- (7) No more than one mobile home shall be placed on each mobile home lot.
- (8) Vacant lots shall be maintained so as not to become derelict or otherwise deteriorate.
- (9) A mobile home lot must be provided with a mobile home stand capable of supporting the maximum anticipated load of the mobile home throughout all seasons of the year without settlement or other movement.

- (10) A mobile home stand must be designed to fit the dimensions of the particular mobile home positioned on the mobile home stand and must be paved or provided with some other hard surface.
- (11) A mobile home stand shall be required to be supported and secured by foundation walls, piers, posts or other means, carried to a depth sufficient to prevent movement by frost and sufficient to support the anticipated load at such points on its chassis frame as required.
- (12) Anchors in the form of eyelets embedded in concrete, screw augers or arrow head anchors, or alternative devices acceptable to the Authority must be provided at all corners of the mobile home stand and at additional points where necessary to secure the mobile home against the forces exerted by wind or other naturally occurring forces.
- (13) Anchors or devices must be connected to each anchor point of the mobile home chassis frame by a cable or other device approved by the Authority.
- (14) Anchors and connections must be made capable of withstanding a tension of at least 2,180 kilograms.
- (15) A mobile home shall be placed on an approved mobile home lot, and in a manner allowing it to be placed and removed from the lot without interfering with other lots.
- (16) Mobile homes will be blocked with approved materials so that there will be a minimum clearance of 0.6 metres from the underside of the steel beam frame to the ground. The maximum clearance will be 1.2 metres from the underside of the frame to the ground.
- (17) When a mobile home is in the correct position and secured in place, the open space beneath it will be skirted with minimum 1.25 centimetre plywood or equivalent, secured to a minimum 5 centimetre by 5 centimetre framing on 60 centimetre centres. The skirting must be acceptable to the Authority and have an accessible, removable panel to give access to service connections.
- (18) A mobile home shall have a minimum of 40 square metres for an outdoor living area. This area will be located at the rear or side (or combination of both) of the mobile home. The purpose of the living area is to provide an area for privacy, recreation and amenity.

(19) Attached Structures

- a) No attached structure shall have a floor area greater than 10 percent of the area of the lot upon which the mobile home is located or 70 square metres, whichever is the lesser.
- b) The minimum lot clearances outlined in the Zone Table shall apply to an attached structure.
- c) Every attached structure shall be designed to be architecturally similar in appearance to the mobile home.

(20) Accessory Buildings

- a) The maximum floor area of all accessory buildings shall not exceed a lot coverage of 7% and a floor area of 56m², and a height of 4 metres;
- b) An accessory building will only be permitted in the rear yard of the mobile home. It shall be no closer than 1.5 metres to another building and 1 metre from any property line.

64. Municipal Services, Unserviced and Semi-Serviced Lots

Development on unserviced and semi-serviced lots is subject to the requirements set out under the "Private Sewage Disposal and Water Supply Standards", and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

Subject to the Town's approval and the Department of Environment and Conservation approval, sewage may be disposed through a private outfall where it is not deemed feasible to connect to the Town's sewage disposal system.

65. Non-Conforming Uses

- (1) See Section 108 of the Urban and Rural Planning Act and Sections 14, 15, and 16 of the Ministerial Development Regulations.
- (2) Discontinuance - Subject to Section 17 of the Ministerial Development Regulations and Section 108 (2) of the Urban and Rural Planning Act:

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

66. Offensive and Dangerous Uses

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

67. Sanitary Landfill (Former) Buffer

As shown on Land Use Zoning Maps 1 and 2, a 1.6 kilometre radius buffer is retained around the former sanitary landfill that is located north of Highway 390. Any development within this buffer area must be assessed and approved by Service NL before it is approved by the Town.

68. Scrapyard

A scrap yard shall only be permitted subject to the following conditions:

- 1) Separation from Adjacent Uses

Unless the Town 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 shall be located closer than the minimum distances set out below to the specified development or natural feature:

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

2) Screening

A scrap yard shall be screened in a suitable manner which may include one or all of the following methods:

- a) Retention of existing tree screens;
- b) The installation of earth berms;
- c) Fencing The Town may require a scrap yard to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

69. Screening and Landscaping

The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Town, the landscaping or screening is desirable to preserve amenity, or protect the environment.

70. Seniors' Housing and Personal Care Facilities

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

- a) tailored to the needs of the persons occupying the development in accordance with their condition, the development shall be planned as a single development with all of the necessary facilities and services;
- b) the minimum dwelling floor areas, building line setbacks and yards shall be as determined by the Town;

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

71. 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.

72. Site Development

- (1) Before approving the development of any site, the Town shall take into consideration the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving drainage from the site, along with other similar matters.
- (2) The Town shall ensure that the proposal is not inappropriate by reason of:
 - a) precipitating or contributing to a pollution problem in the area; or
 - b) causing erosion and/or sedimentation.

73. Site Development Quarry and Soil Removal

See Regulation 61.

74. Special Policy Area

The Special Policy Area is an overlay over land use zones on the Land Use Zoning Maps as set out in Schedule C.

Development within the Special Policy Area must comply with this Regulation together with requirements of the Zone under Schedule C which underlies the Special Policy Area.

Except for minor developments, such as small accessory buildings, fences or outdoor storage areas, development and private and public services to development in this area and other areas that may have very high water tables, must be designed in such a manner as to minimize the potential for water damage to property and streets and services within the Special Policy Area.

Buildings and water supply and waste disposal systems must be certified by a competent professional as being able to function satisfactorily in the high water table environment.

In addition to the foregoing considerations, the following requirements shall apply to development within the Special Policy Area:

- a) except for footings, structures shall be built sufficiently above the existing grade to prevent water incursion into the habitable or otherwise usable spaces;
- b) roads and services shall be constructed so as not to flood, or otherwise be negatively affected by the high water table in this area;
- c) the storage of petroleum and other hazardous substances may only be permitted in exceptional circumstances, and then, only if the products are stored in such a way as to prevent spills or leaks.

75. Street Construction Standards

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

76. 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.

77. Subsidiary Dwelling

A subsidiary dwelling is permitted in the rear yard of a single dwelling in a building separate from the single dwelling, subject to the following requirements:

- a) the subsidiary dwelling is located in the rear yard of the single dwelling;
- b) fire and other safety issues are properly addressed in the location, access and design of the subsidiary dwelling, and this may entail the provision of a completely unobstructed side yard wide enough to provide access for emergencies which is greater than the minimum side yard for single dwellings in this zone;
- c) the subsidiary dwelling shall be connected to municipal water and sewer services;
- d) the maximum floor area shall be 60 square metres;
- e) the minimum distance from the side and rear property boundaries is 3 metres;
- f) maximum height is 6 metres.

78. Trails

The Town may require that any development near a trail which appears on a Trails Map or other pertinent map be reviewed to ensure that the development does not negatively impact such trail.

79. Unserviced and Semi-Serviced Development

Development on unserviced and semi-serviced lots is subject to the requirements set out under the "Private Sewage Disposal and Water Supply Standards", and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

80. 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.

81. Uses Allowed In All Zones

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

82. Utilities - Wind Mills, Wind Turbines, Wind Farms

Utilities, which include wind mill, wind turbines, wind farms, together with access roads and associated facilities, are subject to the approval of relevant provincial and federal departments and agencies and public utilities.

The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant.

Utilities within the built-up areas, that is, the residential, commercial, industrial and public zones, are limited to single wind mills or wind turbines designed and sized to serve particular properties.

83. Waterways and Wetlands

(1) Except as otherwise shown on the Land Use Zoning Maps, the minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

(2) Unless it is infill development or the area is otherwise developed,

development within 200 metres of the Indian River, a licensed salmon river, must be reviewed by the Department of Fisheries and Oceans Canada before approval is granted by the Town.

- (3) The only uses that can be permitted in the buffer area of a waterway are trails, trail related accessory uses, and uses requiring direct access to a body of water.

Alteration of or development within a body of water is subject to review and approval of the Department of Environment and Conservation, and where applicable, Service NL for Crown Lands and referrals and. Department of Fisheries and Oceans Canada.

However if a body of water is a flood risk area, then Department of Environment and Conservation approval is required for a development within the 15 metre buffer noted under Clause (1) of this Regulation.

- (4) The Town or the Provincial Government may subject development within the buffer area of a waterway to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.

- (5) Subject to Clause (3) of this Regulation, any development within a waterway or involving the alteration of a waterway must be approved by or exempted by the following agencies:

- Service NL for Crown Lands and referrals;
- Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act;
- Fish Habitat Division of the Department of Fisheries and Oceans;
- Department of Environment and Conservation.

- (6) If a waterway or wetland is deemed to be minor (intermittent and/or a drainage course and/or no evidence of fish and/or not apparently significant for flood control or water management), such waterways and wetlands shall wherever possible remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

(7) Wetlands

- a) **“Stewardship Area” - Municipal Stewardship Agreement Program - Management Units - Protected Wetlands** are identified on the Land Use Zoning Maps as Environmental Protection - Management Unit (EP- MU). The basic requirements are the same as that for the Environmental Protection Zone. In addition, the Eastern Habitat Joint Venture must be consulted before work is carried out in these areas.
- b) Wetlands outside the Management Units shall be protected wherever necessary to protect the environment and/or development downstream of the wetland from flooding or soil movement.

PART III - SUBDIVISION OF LAND

84. Permit Required and Subdivision Agreement

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

Any subdivision requiring the construction of a new road shall be subject to a Subdivision Agreement between the Town and the Developer and this Agreement shall include fees and sureties, specifications for water and sewer infrastructure, storm drainage, streets, sidewalks, landscaping, open space, as well as such other matters deemed necessary by the Town.

85. Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Town, and where necessary, the Provincial Government, 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.

86. Payment of Service Levies and Other Charges

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

87. Issue of Permit Subject to Considerations

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

- a) the location of the land;
- b) the availability of and the demand created for schools, services, and utilities;
- c) the provisions of the Plan and Regulations affecting the site;
- d) the land use, physical form and character of adjacent developments;
- e) the transportation network and traffic densities affecting the site;
- f) the relationship of the project to existing or potential sources of nuisance;

- g) soil and subsoil characteristics;
- h) the topography of the site and its drainage;
- i) natural features such as lakes, streams, topsoil, trees and shrubs;
- j) prevailing winds;
- k) visual quality;
- l) community facilities;
- m) energy conservation;
- n) such other matters as may affect the proposed development.

88. Groundwater Supply Assessment – New and Existing Subdivisions

See Regulation 55.

89. Building Permits Required

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

90. Form of Application

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

91. Subdivision Subject to Zoning and Plan Adopted by Town

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

92. Building Lines

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

93. Land for Public Open Space

(1) Before a development commences, the developer shall, if required, dedicate to the Town, at no cost to the Town, an area of land equivalent to 10% of the gross area of the subdivision for park land or other public use, provided that:

- a) where land is subdivided for any purpose other than residential use, the Town shall determine the percentage of land to be dedicated;

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

94. Structure in Street Reservation

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

95. Subdivision Design Standards

- (1) The standard for the design and construction of all work related to Subdivision development shall be the Government of Newfoundland and Labrador Municipal Water, Sewer, and Roads Specifications or such other professionally certified standard as deemed suitable by the Town and set out in the Subdivision Agreement.
- (2) Except as otherwise provided under Schedule C no permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the standards below or as set out in the Subdivision Agreement.
- (3) The finished grade of streets shall not exceed 10 percent, up to 12 percent at the discretion of the Town where it would otherwise be impossible to develop the site, or compliance with the 10 percent requirement would entail excessive cutting and filling.
- (4) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (5) The maximum length of any cul de sac shall be 250 m where no emergency access is provided; or 300 m where emergency access is provided. However, the maximum length of a cul de sac may be extended where the Town is satisfied that such an extension will not endanger lives or property and it forms part of a subdivision plan or other comprehensive plan.
- (6) The 250 m under clause (5) is measured from the mid-point of the intersection to the beginning of the cul de sac bulb, or the beginning of the loop in a p-loop.
- (7) 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.
- (8) No cul de sac shall be located so as to appear to terminate a collector street.
- (9) A cul de sac shall not be permitted unless the Town is satisfied that there is no reasonable alternative to developing the property.

- (10) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land and where deemed necessary by the Town new subdivisions shall have street connections with an existing street or streets. See also Regulation 30.
- (11) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (12) No street intersection shall be closer than 60 m to any other street intersection.
- (13) No more than four streets shall join at any street intersection.
- (14) No residential street block shall be longer than 490 m between street intersections unless otherwise determined by the Town and provided that the Town is satisfied that there is adequate access provided to lands adjoining the subdivision.
- (15) Streets in subdivisions shall be designed in accordance with the Subdivision Policy adopted by the Town, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Walkway Width and Design	Walkway Number
Collector Streets	15 m	7.5 m	As determined by the Town	As determined by the Town
Local Streets	12.5 m	7.5 m	As determined by the Town	As determined by the Town

- (16) No lot intended for residential purposes shall have a depth exceeding four times the frontage except as otherwise approved at the discretion of the Town.
- (17) Residential lots shall not be permitted which abut a local street at both front and rear lot lines except as otherwise approved by the Town.

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

96. Engineer to Design Works and Certify Construction Layout

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

97. Construction and Town Engineer Costs Guarantees

Construction Guarantees – Unless otherwise set out in the Subdivision Agreement, the developer shall deposit with the Town a cash equivalent surety before the commencement of any phase of the development sufficient to cover:

- a) the estimated cost of the Town's Engineer for supervision and inspections, etc. before the commencement of each phase of the development, such fees being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador and in effect at the time the work is carried out.;
- b) 40% of the cost of the completion of any phase of the development - which shall be returned to the developer with accrued interest upon satisfactory completion (full completion of roads and services, etc. to the Town's specifications as certified by the Town's Engineer) of the phase.

98. Street Works May Be Deferred

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

99. Transfer of Streets and Utilities to Town

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

100. Restriction on Sale of Lots

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

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

101. Grouping of Buildings and Landscaping

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

PART IV - USE ZONES

102. 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 102 (3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Town may in its discretion, determine the standards, requirements and conditions which shall apply.

103. Use Classes

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

104. Permitted Uses

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

105. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Town is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Town has given notice of the application in accordance with Regulation 24 and has considered any objections or representations which may have been received on the matter.

106. Uses Not Permitted

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

SCHEDULE A – DEFINITIONS

GENERAL NOTE:

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

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

ACCESSORY BUILDING* includes:

- (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory which has a use that is customarily incidental or complementary to the main use of the building or land,
- (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae,
- (iii) for commercial uses, workshops, or garages, and
- (iv) for industrial uses, garages, offices, raised ramps and docks.

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

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

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

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

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

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

ANIMAL UNIT (AU) LIVESTOCK means any one of the animals or groups of animals as set out in Table C.1 of Appendix C of the Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador and Table C.1 of the Environmental Guidelines for Poultry Producers of Newfoundland and Labrador.

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

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

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

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

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

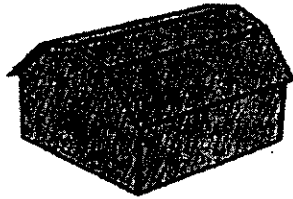
BED AND BREAKFAST means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to sixteen (16) overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada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

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

BUILDING* means

- (i) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- (ii) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
- (iii) a part of and fixtures on buildings referred to in subparagraphs (i) and (ii),

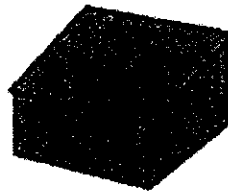
- (iv) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (i) to (iii).



Gambrel Roof

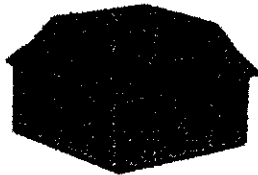
BUILDING HEIGHT* means the vertical distance, measured in metres, from the established grade to:

- (i) the highest point of the roof surface of a flat roof



Flat Roof

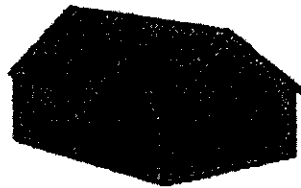
- (ii) the deck line of a mansard roof



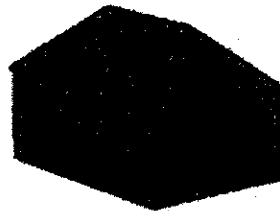
Mansard Roof

And

- (iii) the mean height level between eave and ridge of a gable, hip or gambrel roof,



Gable Roof



Simple Hip Roof

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

BUILDING LINE* means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed.

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

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

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

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

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

- (i) making of an access onto a highway, road or way,
- (ii) erection of an advertisement or sign,
- (iii) construction of a building,
- (iv) parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

for any period of time;

and excludes the

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

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

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

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

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

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

ESTABLISHED GRADE* means,

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

FAMILY AND GROUP CARE CENTRE means a dwelling accommodating up to but no

more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, the facilities called "Group Homes", "Halfway House", and "Foster Home".

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

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

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

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

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

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

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

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

HOTEL means a tourist establishment that consists of a building containing three or more attached units grouped under one roof and accessible from the interior or partially from the exterior, designed to accommodate the travelling public and may have facilities for serving meals. It also includes inns.

HYDROCARBON EXPLORATION means the exploration for oil and natural gas.

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

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

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

LAND* includes land covered by water and buildings and structures on, over, under the soil and fixtures that form part of those buildings and structures.

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

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

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

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

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

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

MAIN BUILDING – See Principal Building.

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

MINERAL EXPLORATION means the activity of searching for minerals or mineral occurrences where, for the purposes of these Regulations it takes the form of development –that is, visible and appreciable disturbance to soil.

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

construction aggregates.

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

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

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

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

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

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

MOTOR VEHICLE (Highways Act NL) means means a vehicle propelled, driven or

controlled otherwise than by muscular power, other than a trailer or a vehicle running upon fixed rails.

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

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

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

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

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

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

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

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

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

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

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

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

polishing of motor vehicles.

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

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

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

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

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

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

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

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

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

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

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

SUBSIDIARY DWELLING means a dwelling located on single dwelling property and which is located to the rear of the principle single dwelling and is smaller than the principle single dwelling.

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

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

TRAILER (Highways Act NL in part) means means a vehicle which has no motive power of its own and which is attached to a truck, or truck tractor or other motor vehicle.

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

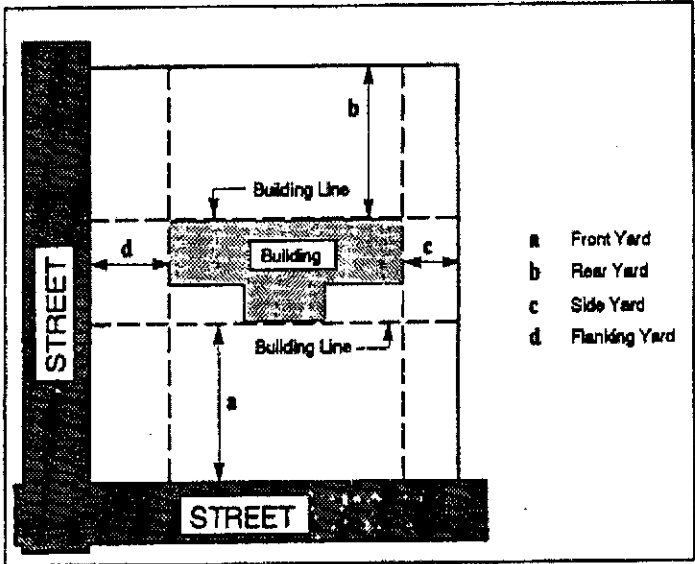
USE* means a building or activity situated on a lot or a development permitted on a lot.

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

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

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

YARDS



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

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd		
GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fair-grounds, Exhibition Grounds, Drive-in Theatres, Paint Ball
ASSEMBLY USES	Campground	Campgrounds, Recreational Vehicle and Travel Trailer Campgrounds
INSTITUTIONAL USES	Medical Treatment and Special Care	Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmaries
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings
RESIDENTIAL USES	Subsidiary Apartment	Subsidiary Apartment
RESIDENTIAL USES	Subsidiary Dwelling	Subsidiary Dwelling
RESIDENTIAL USES	Mini-Home	Mini-Home
RESIDENTIAL USES	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings
RESIDENTIAL USES	Row Dwelling	Row Houses, Town Houses
RESIDENTIAL USES	Apartment Building	Apartments,

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

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

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

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd		
GROUP	CLASS	EXAMPLES
NON-BUILDING USES	Transportation	Airfields, Docks, Marina, Yacht Club, Wharves and Docks, Boating Club, Boat House and Harbours
NON-BUILDING USES	Utilities	Windmills, Wind Turbines, Solar, and other energy sources not classed as a Public Utility under the Public Utilities Act.

SCHEDULE C – USE ZONE SCHEDULES

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

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

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USE ZONE TABLE
RESIDENTIAL LOW DENSITY (RLD) ZONE

PERMITTED USE CLASSES - (see Regulation 104)
Bed and Breakfast, Boarding House, Child Care, Conservation, Family and Group Care Centre, Home Business (Light Industry, Medical and Professional, Office and Personal Service classes) Marina, Public Services and Public Utilities, Recreational Open Space, Single Dwelling and Subsidiary Apartment, and Subsidiary Dwelling.
DISCRETIONARY USE CLASSES - (see Regulations 24 and 105)
Antenna, Commercial -Residential (See Condition 2), Place of Worship

CONDITIONS FOR THE RESIDENTIAL LOW DENSITY ZONE

1. **Development Standards (see also Condition 6)**

Lot area (minimum)	1400 m ²
Floor Area (minimum).....	80 m ²
Frontage (minimum)	30 m
Building Line Setback (minimum)	8 m
Side Yard Width (minimum).....	4 m
Side Yard Width Flanking Road (minimum)	8 m
Rear Yard Depth (minimum).....	15 m
Maximum Lot Coverage (all buildings combined)	15 %
Maximum Building Height (maximum).....	8 m

2. **Commercial Residential**

Commercial-Residential development is limited to a hotel or inn, and appropriate accessory uses and shall be compatible with existing and future residential uses of the area. The development standards shall be appropriate to the site and area.

3. **Garage or Carport**

A garage or carport may be built in a side yard and in such case the side yard may be reduced to 2 metres.

4. Helipad

The Town may refuse any development if in its opinion the development may infringe on the safety and/or operation of the helipad.

5. Marina

A marina in this zone shall be restricted to a marina associated with a nearby residential use, and shall be restricted to a boat haul out, wharf, shed and/or boat house that is compatible with nearby residential uses in character and usage.

6. Municipal Services, Unserviced and Semi-Serviced Development

Development shall be connected to municipal water and/or sewer services where feasible.

See Regulation 79 for Unserviced and Semi-Serviced Development.

Subject to the Town's approval and the Department of Environment and Conservation approval, sewage may be disposed through a private outfall where it is not deemed feasible to connect to the Town's sewage disposal system.

7. Special Policy Area

See Regulation 74.

USE ZONE TABLE
 RESIDENTIAL MEDIUM DENSITY (RMD) ZONE

PERMITTED USE CLASSES - (see Regulation 104)				
Apartment Building, Bed and Breakfast, Boarding House, Child Care, Conservation, Double Dwelling, Family and Group Care Centre, Home Business (Light Industry, Medical and Professional, Office and Personal Service classes), Marina (Condition 2 (2)), Mini Home (Condition 5), Office (Condition 7), Recreational Open Space and Trails, Row Dwelling and Single Dwelling – also Subsidiary Apartment and Subsidiary Dwelling.				
DISCRETIONARY USE CLASSES - (see Regulations 24 and 105)				
Antenna, Catering (Condition 1), Cemetery, Commercial-Residential, Cultural and Civic, Educational, Marina (Condition 3), Medical Treatment and Special Care (Condition 4), Mobile Home, Mobile Home Park, Place of Worship, Seniors' Housing and Personal Care Facilities, Shop and Utilities.				
STANDARDS	WHERE PERMITTED			
	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Building
Lot Area (minimum)	450 m*	390 m *	180 m* (average)	280 m*
Frontage (minimum)	15 m	20 m	20 m	20 m
Building Line and Setback (minimum)	6 m	6 m	6 m	6 m
Side Yard Width (minimum)	2 m and 1 m	2 m	2 m	2 m
Side Yard Width Corner Lot Flanking Road (minimum)	6 m	6 m	6 m	6 m
Rear Yard Depth (minimum)	9 m	9 m	9 m	9 m

Lot Coverage (maximum - all buildings combined)	33%	33%	33%	33%
Building Height (maximum)	8 m	8 m	10 m	10 m
NOTES: * per dwelling unit, except subsidiary apartment or dwelling .				

CONDITIONS FOR THE RESIDENTIAL MEDIUM DENSITY ZONE

1. Catering

Catering uses are restricted to low impact tea-rooms and similar food serving establishments which are compatible with a residential area. A bars or lounge within this use class is not permitted in this Zone unless it is located within a hotel or other approved facility.

2. Marina - Residential

As a permitted use, a marina in this zone shall be restricted to a marina associated with or accessory to a nearby residential use, and shall be restricted to a boat haul out, wharf, shed and/or boat house that is compatible with nearby residential uses in character and usage.

3. Marina - Non-Residential

A marina not accessory to a residential use may only be permitted as a discretionary use, provided that such a use is compatible with other nearby residential uses.

4. Medical Treatment and Special Care

- a) A Medical Treatment and Special Care Use shall be limited to a home for the aged.
- b) The Medical Treatment and Special Care Use shall be residential in character and shall not detract from the amenities of the surrounding uses.

- c) The Medical Treatment and Special Care Use shall meet the standards for a single dwelling in this Zone, or such higher standard as the Town may determine.

5. Mini-Home

A Mini Home shall only be allowed in a mini-home subdivision or park containing at least ten (10) lots, subject to the following requirements:

- a) Lot area minimum per dwelling unit - 360 m²;
- b) Lot Frontage minimum per dwelling unit - 12.2 m;
- c) Building line setback minimum – 6 m;
- d) Side yard width minimum - one side – 1.2 m and the other side – 3.7 m;
- e) Rear yard depth minimum – 3.6 m;
- f) Lot coverage total for all buildings maximum – 33%.

6. Municipal Services

All development shall be connected to the municipal water and sewer services, except that subject to the Town's approval and the Department of Environment and Conservation approval, sewage may be disposed through a private outfall where it is not deemed feasible to connect to the Town's sewage disposal system.

7. Offices

An office shall be permitted on the ground floor of an apartment building provided that there is adequate safety and sound separation between an office and the apartments and offices, and the offices are considered by the Town to be compatible with the residential uses.

USE ZONE TABLE
 TOWN CENTRE (TC) ZONE

<p>PERMITTED USE CLASSES - (see Regulation104)</p> <p>Apartment Building, Bed and Breakfast and Boarding House, Cemetery, Child Care, Commercial-Residential, Communications, Conservation, Convenience Store, Cultural and Civic, Double Dwelling, Educational, Family and Group Care Centre, Fire Station, General Assembly, General Service, Indoor Assembly, Light Industry (Condition 2), Marina, Medical and Professional, Medical Treatment and Special Care, Office, Outdoor Assembly, Personal Services Place of Worship, Police Station, Recreational Open Space, Row Dwelling, Seniors' Housing and Personal Care Facilities (Condition 6), Shopping Centre, Shop, Single Dwelling, Take-out Food Service, Taxi Stand, Transportation.</p>
<p>DISCRETIONARY USE CLASSES (see Regulations 24 and105)</p> <p>Antenna, General Industry (Condition 2), Service Station and Utilities.</p>

CONDITIONS FOR THE TOWN CENTRE ZONE

1. General Development Standards

Lot area (minimum)	450 m ²
Frontage (minimum).....	15 m
Building Line Setback (minimum).....	6 m
Side Yard Width (minimum)	1.5 m
Side Yard Width Flanking Road (minimum)	6 m
Rear Yard Depth (minimum)	6 m
Building Height (maximum)	10 m
Lot Coverage (maximum - all buildings combined)	33%

2. General Industry and Light Industry

General Industrial and Light Industrial uses are restricted to the harbour side area of the Town and must have harbour water frontage or direct access to the

harbour. However, General Industrial and Light Industrial uses may be permitted in the Town Centre designation outside the harbour side area provided that:

- a) existing structures are re-used (“adaptive re-use”) – although additional buildings may erected on the property;
- b) there is no apparent noise, odour or dust from the operation and it is suitably screened from adjacent residential uses;
- c) adequate parking and offstreet loading facilities are provided in accordance with the requirements of Schedule D;
- d) the development is compatible with the residential, commercial and public uses of the Town Centre;
- e) there has been adequate public consultation.

3. Municipal Services

All development shall be connected to the municipal water and sewer services, except that subject to the Town’s approval and the Department of Environment and Conservation approval, sewage may be disposed through a private outfall where it is not deemed feasible to connect to the Town’s sewage disposal system.

4. Outdoor Storage

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

- a) the open storage is not located in the front yard; and
- b) the Town may require open storage to be fenced or screened.

5. Parking and Offstreet Loading Requirements (see Schedule D)

6. Seniors’ Housing and Personal Care Facilities

See Regulation 70.

USE ZONE TABLE

COMMERCIAL (COM) ZONE

<p>PERMITTED USE CLASSES - (see Regulation 104)</p> <p>Antenna, Campground, Catering, Cemetery, Child Care, Club and Lodge, Commercial-Residential, Communications, Conservation, Convenience Store, Cultural and Civic, Educational, Fire Station, General Assembly, General Industry, General Service, Indoor Assembly, Light Industry, Marina, Medical and Professional, Medical Treatment and Special Care, Office, Outdoor Assembly, Personal Services, Place of Worship, Police Station, Public Services and Public Utilities, Recreational Open Space, Seniors' Housing and Personal Care Facilities (Condition 6), Service Station, Shopping Centre, Shop, Take-out Food Service, Taxi Stand, Transportation and Veterinary.</p>
<p>DISCRETIONARY USE CLASSES (see Regulations 24 and 105)</p> <p>Apartment Building, Double Dwelling, Row Dwelling, Single Dwelling (Condition 2), Mineral Exploration, Mineral Working, and Utilities.</p>

CONDITIONS FOR THE COMMERCIAL ZONE

1. General Development Standards - Permitted Uses

Lot area (minimum) No services (water & sewer)	2000 m ²
One service (water or sewer)	1400 m ²
Both Services (water & sewer)	450 m ²
Frontage (minimum).....	15 m
Building Line Setback (minimum).....	6 m
Building Line Setback (maximum).....	30 m
Sidyard Width (minimum).....	5 m
Rearyard Depth (minimum).....	10 m
Height (maximum).....	10 m
Lot Coverage (maximum).....	33 %

2. Apartment Building, Double Dwelling, Row Dwelling, Single Dwelling

These residential uses may only be permitted:

- a) if in the opinion of the Town the residential development will not hinder the operations of nearby permitted commercial and industrial uses or negatively affect the potential commercial and industrial development of the area;
- b) adequate buffering is provided between the residential and the permitted commercial and industrial uses.

3. Helipad

The Town may refuse any development if in its opinion the development may infringe on the safety and/or operation of the helipad.

4. Municipal Services, Unserviced and Semi-Serviced Lots

Development shall be connected to municipal water and/or sewer services where feasible.

See Regulation 64.

5. Outdoor Storage

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

- a) the open storage is not located in the front yard; and
- b) the Town may require open storage to be fenced or screened.

6. Seniors' Housing and Personal Care Facilities

See Regulation 70.

7. Special Policy Area

See Regulation 74.

USE ZONE TABLE
INDUSTRIAL (IND) ZONE

PERMITTED USE CLASSES - (see Regulation 104)

Antenna, Conservation, Communications, Conservation, Convenience Store, Fire Station, General Industry, Light Industry, Mineral Exploration, Office, Police Station, Recreational Open Space, Service Station, Taxi Stand, Transportation and Veterinary.

DISCRETIONARY USE CLASSES (see Regulations 24 and 105)

Hazardous Industry, Mineral Working, Scrap Yard and Utilities.

CONDITIONS FOR THE INDUSTRIAL ZONE

1. **General Development Standards - Permitted Uses**

Building Line Setback (minimum).....	6 m
Sidyard Width (minimum).....	3 m
Rearyard Depth (minimum).....	10 m

2. **Helipad**

The Town may refuse any development if in its opinion the development may infringe on the safety and/or operation of the helipad.

3. **Municipal Services**

Development shall be connected to municipal services where possible.

See Regulation 64.

4. **Outdoor Storage**

The Town can permit open storage of materials, goods and machinery associated with a permitted or discretionary use provided that where the storage area between the main building and the front lot line is or where the property

abuts a residential use or zone is suitably screened and/or fenced.

5. Scrap Yard

See Regulation 68.

USE ZONE TABLE
 PUBLIC (PUB) ZONE

<p>PERMITTED USE CLASSES - (see Regulation 104)</p> <p>Antenna, Apartment Building, Cemetery, Child Care, Club and Lodge, Collective Residential, Communications, Cultural and Civic, Educational, Family and Group Care Centre, General Assembly, Indoor Assembly, Medical Treatment and Special Care, Office, Outdoor Assembly, Place of Worship, Police Station, Recreational Open Space, Seniors' Housing and Special Care Facilities.</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 24 and 105)</p> <p>Utilities.</p>

CONDITIONS FOR THE PUBLIC ZONE

1. **General Development Standards**

Lot area (minimum)	500 m ²
Frontage (minimum).....	15 m
Building Line Setback (minimum).....	10 m
Side Yard Width (minimum).....	5 m
Side Yard Width Flanking Road (minimum).....	10 m
Rear Yard Depth (minimum).....	15 m
Height (maximum).....	10 m
Lot Coverage (maximum)	33 %

2. **Municipal Services**

Development shall be connected to municipal services where possible.

See Regulation 64.

3. **Seniors' Housing and Special Care Facilities**

See Regulation 70.

USE ZONE TABLE
OPEN SPACE (OS) ZONE

OPEN SPACE (OS) ZONE PERMITTED USE CLASSES - (see Regulation 104) Antenna, Campground, Cemetery, Conservation, Marina, Outdoor Assembly, Public Services and Public Utilities and Recreational Open Space.
DISCRETIONARY USE CLASSES - (see Regulations 24 and 105) Marina, Mineral Exploration, Indoor Assembly and Utilities.

CONDITIONS FOR THE OPEN SPACE ZONE

Development Standards

As determined by the Town.

USE ZONE TABLE

SEASONAL RESIDENTIAL (SR) ZONE

PERMITTED USE CLASSES - (see Regulation 104)

Antenna, Conservation, Marina, Public Services and Public Utilities, Recreational Open Space and Seasonal Residential.

DISCRETIONARY USE CLASSES - (see Regulations 24 and 105)

Campground, Catering, Commercial Residential, Convenience Store, Mineral Exploration, Transportation and Utilities.

CONDITIONS FOR THE SEASONAL RESIDENTIAL ZONE

1. General Development Standards

In addition to approvals by the Town, development is subject to the approval of the Department of Environment and Conservation, the Department of Government Services and other departments and agencies as required.

Unless otherwise set out in a plan for a cottage development area as planned and developed by the Department of Environment and Conservation - Lands Division, the basic development standards are as set out below.

Lot Area (minimum)	2000 m ²
Lot Frontage (minimum).....	30 m
Side Yard width (minimum).....	7.5 m
Building Line Setback (minimum)	15m
Rear Yard Depth (minimum).....	15 m

2. Accessory Buildings

The requirements of Regulation 31 can be modified where the structure requires direct access to a body of water.

Notwithstanding Regulation 31, the maximum allowable floor area of an accessory building shall not exceed 67 square metres and the maximum allowable height of an accessory building shall not exceed 4 metres.

3. Accessory Uses

The following accessory uses shall not be permitted in this Zone:

- a) subsidiary dwelling unit or dwelling;
- b) home business.

4. Discretionary Use Classes

- a) A catering use shall be limited to a restaurant and allowed only in conjunction with a commercial residential use.
- b) Commercial residential shall be limited to tourist cabins.
- c) A convenience store will only be permitted in conjunction with a tourist campground or a commercial residential use.

5. Municipal Services

Development in this zone shall not be connected to municipal water and/or sewer services.

6. Recreational Open Space and Trails

Recreational Open Space and Trails are permitted in this zone provided that these recreational uses, in particular trails, are designed and located in such a way as to minimize disturbance and hazard to residents and other users of the cottage areas.

7. Transportation Uses

Transportation uses are limited to float plane operations and wharves and docks.

8. Parking and Offstreet Loading Requirements - See Schedule D.

USE ZONE TABLE

RURAL (RU) ZONE

PERMITTED USE CLASSES - (see Regulation 104)

Agriculture, Antenna, Cemetery, Conservation, Forestry, Mineral Exploration, Public Services and Public Utilities, Recreational Open Space, Transportation and Utilities.

DISCRETIONARY USE CLASSES - (see Regulations 24 and 105)

Animal, Bed and Breakfast, Campground, Child Care, Family and Group Care Centre, General Industry, Home Business (Light Industry, Medical and Professional, Office and Personal Service classes), Mineral Working, Scrap Yard and Single Dwelling.

CONDITIONS FOR THE RURAL ZONE

1. **General Development Standards**

The minimum lot area, frontage and front, rear and side yards shall be as determined by the Town, subject to the approvals of the Forestry and Agrifoods Agency and the Service NL. Applications shall also be referred to other departments and agencies as required.

2. **General Industry**

- a) General industry shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.
- b) Unless the Town is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, the Town shall require the provision of buffering by the developer to the satisfaction of the Town.

3. **Parking and Offstreet Loading Requirements (see Schedule D)**

4. Recreational Open Space and Trails

Recreational Open Space and Trails may be permitted in this zone subject to the following conditions:

- a) the proposed use shall not interfere with adjacent agricultural and other natural resource uses by virtue of noise, increased traffic or other activities;
- b) the proposed use shall not prejudice the continuation of existing agricultural and other natural resource uses and operational practices which may not be compatible with the proposed use;
- c) applications for recreational open space uses shall be referred to the Department of Natural Resources before approval is granted by the Town.

5. Scrap Yard

See Regulation 68.

6. Single Dwelling

As except as otherwise provided under Regulation 39, a single dwelling may be permitted only as accessory to a permitted use. A dwelling is subject to the approval of the Forestry and Agrifoods Agency and Service NL before a permit is issued by the Town.

USE ZONE TABLE
PROTECTED WATER SUPPLY (PWS) ZONE

PERMITTED USE CLASSES - (see Regulation 104) Antenna, Conservation, Recreational Open Space and Utilities.
DISCRETIONARY USE CLASSES - (see Regulations 24 and 105) Agriculture and Forestry

CONDITIONS FOR THE PROTECTED WATER SUPPLY ZONE

1. General Conditions and Referrals

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

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

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

2. Activities Not Permitted in the Zone

The following activities shall not be permitted in the Protected Water Supply Zone:

- a) placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water any sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or has potential to impair water quality;
- b) using an intake, pond, lake, river or specified buffer zones for any activity detrimental to water quality, and not permitted in the Water Resources Act;
- c) using ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading animals, or any other activity, including littering, which impairs or has potential to impair water quality;
- d) using or operating existing facilities in such a manner that impairs or has potential to impair water quality;
- e) vehicle maintenance facilities, warehouses and chemicals and salt storage depots;
- f) storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment;
- g) clear-cutting of forest in sensitive areas, establishment of camps and camp facilities, storage of chemicals, application of pesticides, drainage of peat land for afforestation, and application of toxic fire retardants;
- h) activities, operations or facilities associated with aggregate extraction and mineral exploration such as work camps, vehicle parking and maintenance facilities, washing of aggregates, asphalt plants, discharge or deposit of waste material into a body of water, and significant disturbance to land for mineral exploration purposes;

- i) application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures;
- j) aquaculture development and associated activities having potential to impair water quality;
- k) processing and manufacturing plants having potential to impair water quality; and,
- l) waste disposal facilities, and any other storage or disposal facilities that the Minister of Environment and Conservation considers environmentally unacceptable.

3. Activities Regulated in the Zone

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

- a) expansion and upgrading of the existing activities, operations or facilities;
- b) land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities;
- c) installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes;
- d) construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;
- e) modification to intake structures, pump house, reservoir; and
- f) any other development or activity which, in the opinion of the Minister of Environment and Conservation, has caused impairment or has potential to impair water quality.

4. Approval Process

- (1) The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Town and the Minister of Environment and Conservation for approval.
- (2) The Minister of Environment and Conservation may, on the recommendation of his/her officials, issue a certificate of approval for the proposed development on such terms and conditions as the Minister considers necessary to protect water quality.
- (3) The proponent shall obtain separate approvals under Section 48 of the Water Resources Act from the Minister of Environment and Conservation for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.
- (4) The proponent shall also obtain licences, permits or approvals under other Acts and Regulations, including the Development Regulations as required prior to commencing the approved work.
- (5) The proponent of the approved development shall notify the Town by providing a copy of the approval issued under this policy before commencing the work.
- (6) The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.
- (7) The Minister of Environment and Conservation may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.
- (8) The Minister of Environment and Conservation may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

5. Buffer Zones

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

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

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

6. Discretionary Use Classes

The discretionary use classes may be permitted at the discretion of the Authority provided that they are compatible or complementary to uses within the permitted use classes, or that their development will not inhibit or prejudice the quality of water for domestic purposes which in future would flow or which flows into the Town water pipes from sources within the zone.

USE ZONE TABLE

WELL HEAD PROTECTION AREA (WPA)

PERMITTED USE CLASSES - (see Regulation 104) See Conditions
DISCRETIONARY USE CLASSES - (see Regulations 24 and 105) See Conditions

CONDITIONS FOR THE WELL-HEAD PROTECTION AREA

- (1) Notwithstanding the use zone, within a Well-Head Protection Area any development except renovations to an existing structure, fences and minor landscaping shall be referred to the Department of Environment and Conservation for approval before a permit is issued by the Town.

- (2) Notwithstanding the use zone, within the Well-Head Protection Area, the following chemicals/activities are prohibited unless it has been proven to the satisfaction of the Minister of Environment and Conservation that such uses will not cause deterioration of the quality of the water supply over the long term and that measures satisfactory to the Minister have been undertaken to prevent leaks or contamination from tanks and other storage facilities into the aquifer of the well:
 - a) petroleum fuels in excess of 25 L;
 - b) petroleum solvents in excess of 10 L;
 - c) chlorinated solvents in excess of 10 L;
 - d) pesticides and preservatives in excess of 10 L;
 - e) new sewerage systems
 - f) manure storage;
 - g) manure application;
 - h) mining and aggregate removal;
 - i) inorganic fertilizers (no bulk storage);
 - j) forestry (salvage cutting permitted);
 - k) sawmill operations;
 - l) groundwater extraction(non private wells);
 - m) groundwater heat pumps;

- n) road salt (no bulk storage);
 - o) waste disposal.
- (3) Tanks and other material containment facilities shall be inspected at least once a year to ensure their soundness in accordance with the standards established by the Minister of Environment and Conservation.

USE ZONE TABLE
ENVIRONMENTAL PROTECTION (EP) ZONE

PERMITTED USE CLASSES - (see Regulation 104) Conservation.
DISCRETIONARY USE CLASSES - (see Regulations 24 and 105) Recreational Open Space and Trails and Utilities (see also Wind Mill).

CONDITIONS FOR THE ENVIRONMENTAL PROTECTION ZONE

Minister of Environment and Conservation

All development in this zone is subject to the approval of the Minister of Environment and Conservation before a permit is issued by the Town.

USE ZONE TABLE

ENVIRONMENTAL PROTECTION MANAGEMENT UNIT (EP-MU) ZONE

PERMITTED USE CLASSES - (see Regulation 104) Conservation.
DISCRETIONARY USE CLASSES - (see Regulations 24 and 105) Recreational Open Space and Trails and Utilities (see also Wind Mill).

**CONDITIONS
FOR
ENVIRONMENTAL PROTECTION MANAGEMENT UNIT ZONE**

No development may be approved until it has been reviewed under the requirements of the Municipal Stewardship Agreement as described under Regulation 82 (7) a) and the Municipal Plan.

All development is subject to the approval of the Minister of Environment and Conservation before a permit is issued by the Town.

SCHEDULE D - OFFSTREET LOADING AND PARKING REQUIREMENTS

1. Off-Street Loading Requirements

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

2. Parking Area Standards

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

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

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

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

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

3. Parking Requirements

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

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

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

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