

TOWN OF UPPER ISLAND COVE DEVELOPMENT REGULATIONS

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

List of Development Regulation Amendments

TOWN OF UPPER ISLAND COVE DEVELOPMENT REGULATIONS 2011 – 2021

PLAN-TECH



ENVIRONMENT

Municipal Plan/Amendment	
REGISTERED	
Number <u>5125-2012-007</u>	URBAN AND RURAL PLANNING ACT
Date <u>August 10, 2012</u>	RESOLUTION TO APPROVE
Signature <u>Cowan</u>	TOWN OF UPPER ISLAND COVE

Development Regulations/Amendment	
REGISTERED	
Number <u>5125-2012-007</u>	
Date <u>August 10, 2012</u>	
Signature <u>Cowan</u>	

MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS 2011-2012

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Upper Island Cove.

- a) Adopted the Upper Island Cove Municipal Plan and Development Regulations 2011-2012 on the 2nd day of April, 2012.
- b) Gave notice of the adoption of the Town of Upper Island Cove Municipal Plan and Development Regulations 2011-2012 by advertisement inserted on the 17th day and the 24th day of April, 2012 in *The Compass* newspaper.
- c) Set the 3rd day of May at 7:30 p.m. at the Town Office, Upper Island Cove for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Upper Island Cove approved the Town of Upper Island Cove Municipal Plan and Development Regulations 2011-2012 as adopted (or as amended).

SIGNED AND SEALED this 19th day of June, 2012

Mayor: George Orlamond (Council Seal)

Clerk: Phil Sht

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF UPPER ISLAND COVE
MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS 2011-2012**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Upper Island Cove adopts the Upper Island Cove Municipal Plan and Development Regulations 2011-2012.

Adopted by the Town Council of Upper Island Cove on the 2nd day of April, 2012.

Signed and sealed this 19th day of June, 2012.

Mayor: George Oland (Council Seal)

Clerk: N. White

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Upper Island Cove Municipal Plan and Development Regulations 2011-2012 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

Municipal Plan/Amendment	
REGISTERED	
Number	<u>5215-2012-003</u>
Date	<u>August 10, 2012</u>
Signature	<u>[Signature]</u>

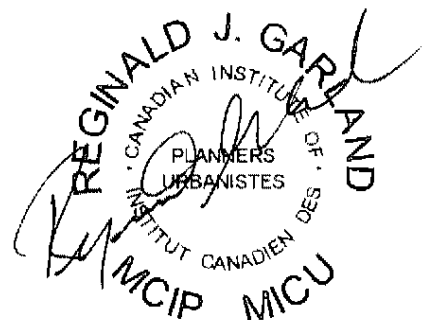


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**TOWN OF UPPER ISLAND COVE MUNICIPAL PLAN
LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS
(DEVELOPMENT REGULATIONS)**

APPLICATION

1. Short Title

These Regulations may be cited as the Upper Island Cove Development Regulations.

2. Interpretation

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

3. Commencement

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

4. Municipal Code and Regulations

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

5. Authority

In these Regulations, "Authority" means the Council of the Town of Upper Island Cove.

PART I - GENERAL REGULATIONS

6. Compliance With Regulations

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

7. Permit Required

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

8. Permit to be Issued

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

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

9. Permit Not to be Issued in Certain Cases

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

10. Discretionary Powers of Authority

- (1) In considering an application for a permit or for approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
- (2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area

11. Variances

- (1) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the Authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with

the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

- (2) The Authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (3) The Authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

12. Notice of Variance

Where the Authority is to consider a proposed variance, the Authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of 7 days for response.

13. Service Levy

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

accordance with the standards required by the Authority and for uses that are permitted on that real property.

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

14. Financial Guarantees by Developer

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
 - (a) a cash deposit from the developer, to be held by the Authority, or;
 - (b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;
 - (c) a performance bond provided by an insurance company or a bank, or;
 - (d) an annual contribution to a sinking fund held by the Authority, or;
 - (f) another form of financial guarantee that the Authority may approve.

15. Dedication of Land for Public Use

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

16. Reinstatement of Land

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

17. Form of Application

- (1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- (2) The Authority shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

18. Register of Application

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

19. Deferment of Application

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

20. Approval in Principle

- (1) The Authority may grant approval in principle for the erection, alteration or conversion of a building if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.

21. Development Permit

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development

being carried out in the event that the same is in violation of this or any other regulations or statute.

- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing 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.

22. Reasons for Refusing Permit

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

23. Notice of Right to Appeal

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

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

24. Appeal Requirements

- (1) The secretary of the Appeal Board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all Appeal Boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate Appeal Board.
- (2) The fee required under section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (3) The Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
- (4) Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

25. Appeal Registration

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

- (3) Where the Authority has been notified of an appeal that Authority shall within one week of notification forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

26. Development Prohibited

- (1) Immediately upon notice of the registration of an appeal the Authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to the Authority acting under subsection (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, the Authority shall not carry out work related to the matter being appealed.

27. Appeal Board

- (1) The minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40, of the Act.

28. Appeals

- (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to
 - (a) an application to undertake a development;
 - (b) a revocation of an approval or a permit to undertake a development;
 - (c) the issuance of a stop work order; and
 - (d) a decision permitted under the Act or another Act to be appealed to the board.
- (2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
- (3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.
- (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
- (5) An appeal shall be made in writing and shall include
 - (a) a summary of the decision appealed from;
 - (b) the grounds for the appeal; and
 - (c) the required fee.
- (6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations

concerning the matter under appeal.

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

29. Hearing Notice and Meetings

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

30. Hearing of Evidence

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
- (2) An Appeal Board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

31. Return of Appeal Fee

Where an appeal made by an appellant under section 42 of the Act, is successful, an

amount of money equal to the fee paid by that appellant under regulation 24(2) shall be paid to him or her by the Authority.

32. Notice of Application

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

33. Right of Entry

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

34. Record of Violations

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

35. Stop Work Order and Prosecution

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

36 Delegation of Powers

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

PART II - GENERAL DEVELOPMENT STANDARDS

37. Accesses and Service Streets

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

38. Accessory Buildings

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

39. Advertisements

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

40. Buffer Strips

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

41. Building Height

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

be varied as follows:

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

42. Building Line and Setback

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

43. Family and Group Care Centres

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

44. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries,

or chimneys, but any such waiver which results in an increase of more than 10% of the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

45. Livestock Structures and Uses

- (1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
 - (a) The structure shall be at least 600 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
 - (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
 - (c) The structure shall be at least 90 m from the centre line of a street.
 - (d) The erection of the structure shall be approved by the Department of Forest Resources & Agrifoods and the Department of Environment.
- (2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Forest, Resources and Agrifoods.

46. Lot Area

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall

have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.

- (2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

47. Lot Area and Size Exceptions

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

48. Lot Frontage

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

49. Non-Conforming Use

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under this

Urban and Rural Planning Act, 2001, the Authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.

- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 12 months after that discontinuance.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority;
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
 - (d) may have the existing use for that building, structure or development varied by the Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
 - (e) may have the existing building extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion

- would increase the non-conformity;
- (g) where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.
 - (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

Where considering a non conforming building, structure or development and before making a decision to vary an existing use of that non-conforming building, structure or development, the Authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

50. Offensive and Dangerous Uses

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

51. Offstreet Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient

to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.

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

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

52. Off-Street Loading Requirements

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

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

53. Parks and Playgrounds, and Conservation Uses

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

54. Screening and Landscaping

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

55. Services and Public Utilities

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

56. Service Stations

The following requirements shall apply to all proposed service stations:

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

57. Side Yards

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

58. Street Construction Standards

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

59. Subsidiary Apartments

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

60. Unsubdivided Land

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

61. Zero Lot Line and Other Comprehensive Development

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

PART III - ADVERTISEMENTS

62. Permit Required

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

63. Form of Application

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

64. Advertisements Prohibited in Street Reservation

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

65. Permit Valid for Limited Period

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

66. Removal of Advertisements

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

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

67. Advertisements Exempt from Control

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

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

68. Approval Subject to Conditions

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

69. Non-Conforming Uses

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

PART IV - SUBDIVISION OF LAND

70. Permit Required

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

71. Services to be Provided

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

72. Payment of Service Levies and Other Charges

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

73. Issue of Permit Subject to Considerations

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

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

74. Building Permits Required

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

75. Form of Application

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

76. Subdivision Subject to Zoning

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

77. Building Lines

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

78. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m² for every dwelling unit per-

mitted in the subdivision, whichever is the greater, for public open space, provided that:

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

79. Structure in Street Reservation

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

80. Subdivision Design Standards

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

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

- (g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No residential street block shall be longer than 490 m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

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

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

81. Engineer to Design Works and Certify Construction Layout

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

82. Developer to Pay Engineer's Fees and Charges

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

83. Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion,

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

84. Transfer of Streets and Utilities to Authority

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

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

85. Restriction on Sale of Lots

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

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

86. Grouping of Buildings and Landscaping

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

PART V - USE ZONES

87. Use Zones

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

88. Use Classes

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

89. Permitted Uses

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

90. Discretionary Uses

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

91. Uses Not Permitted

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

TOWN OF UPPER ISLAND COVE MINISTER'S REGULATIONS 2011 – 2021

PLAN-TECH



ENVIRONMENT

NEWFOUNDLAND REGULATION 3/01
Development Regulations under the Urban and Rural Planning Act, 2000.

(Filed January 2, 2001)

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

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

Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

1. Short title
2. Definitions
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17. Discontinuance of non-conforming use
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1. Short title

These regulations may be cited as the Development Regulations.

2. Definitions

In these regulations,

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

3. Application

- (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
- (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
- (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

4. Interpretation

- (i) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
 - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
 - (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

- (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;

- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and

(y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

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

5. Notice of right to appeal

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

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

6. Appeal requirements

- (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- (2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

7. Appeal registration

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

8. Development prohibited

- (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

9. Hearing notice and meetings

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

10. Hearing of evidence

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

11. Board decision

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

12. Variances

- (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (3) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

13. Notice of variance

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

14. Residential non conformity

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

15. Notice and hearings on change of use

Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

16. Non-conformance with standards

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

17. Discontinuance of non-conforming use

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

18. Delegation of powers

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

19. Commencement

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

**TOWN OF UPPER ISLAND COVE
SCHEDULE A
2011 – 2021**

PLAN-TECH



ENVIRONMENT

DEFINITIONS

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:

- (a) a detached subordinate building not used as a dwelling, located on the same lot as the main building or use to which it is accessory, and which has a use which is customarily incidental or complimentary to the main use of the building or land;
- (b) 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,
- (c) for commercial uses: workshops, garages, and
- (d) for industrial uses: garages, offices, raised ramps and docks.

ACCESSORY DWELLING UNIT means a separate dwelling unit constructed within and subsidiary to the main use. The main use shall not be a single dwelling, double dwelling, row dwelling, and apartment building.

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

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

AGRICULTURE means horticulture, fruit growing, grain growing, crop growing, seed growing, dairy farming, bee keeping, the breeding or keeping of animals for food, skins, or fur, the use of land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of the land. Agriculture includes primary processing of onsite products.

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

ANIMAL UNIT means one of the following animals or groups:

1 Dairy Cow (or calve)	2 Sows
1 Beef Cow (or calve)	1 Hog (operation based on 15-90 kg.)
1 Bull	1 Boars
1 Horse (or foal)	30 Broiler Chickens (less than 1.5 kg)
4 Ewe sheep or lambs	20 Layer Hens (less than 2.3 kg)
10 Foxes (inc.breed females, male & litter)	10 Turkeys
10 Mink (inc. breed females, males & litter)	20 Rabbits (doe includes litter)
1 Sow (farrow to finish)	
or as defined by the Council	

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

APPLICANT means a person who has applied to the authority for an approval to carry out a development.

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

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

APPROVAL IN PRINCIPLE means that Council when considering a development application shall evaluate the application to the development requirements within the Town. If the proposed development meets the development requirements of the Town an approval in principle maybe given to the application. Final approval and issuance of a permit to commence development are subject to the agreement by the applicant to meet specified conditions as outlined by Council.

AUTHORITY means a council, authorized administrator or regional authority

BACKLOT means a lot characterized by the location of the residential lot generally at the rear of another residential lot, or otherwise separated from the public street which provides access, and by a narrower area extending from the rear residential lot to the public street.

BED AND BREAKFAST means a detached dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee.

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.

BUFFER means a berm, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible sites, uses or districts.

BUILDING means:

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

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

- a) highest point of the roof surface of a flat roof;
- b) deck line of a mansard roof; and
- c) height level between the eave and ridge of a gable, hip or gambrel roof.

Building Height shall not include mechanical structures, smokestacks, steeples, and purely ornamental structures above a roof.

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

CHILD CARE FACILITY means a building or part of a building in which services and care are regularly provided to children or adults, but does not include a school as defined by the Schools Act.

CORNER LOT SIGHT TRIANGLE means a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than .9 metres (3 ft.) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres (19.7 ft.) from their point of intersection.

COUNCIL means the Municipal Council of the Town of Bay Bulls.

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

- (a) making of an access onto a highway, road or way,
- (b) erection of an advertisement or sign,
- (c) construction of a building,
- (d) the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation, and excludes,
- (e) the carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (f) the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (g) the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of streets or other land for that purpose,

- (h) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.

DEVELOPMENT AGREEMENT means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out.

DISCRETIONARY USE means a use that is listed within the discretionary use classes established in the use zone tables of the Council's Development Regulations.

DOUBLE DWELLING means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single 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 or more persons.

ENGINEER means an engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland, employed or retained by the Council.

ESTABLISHED BUILDING LINE means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon in the past.

ESTABLISHED GRADE means

- a) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of that building exclusive of any artificial embankment or entrenchment;
- b) 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 CHILD CARE USE means a building or part of a building in which services and activities are regularly provided for up to six (6) children as defined in the Child Care Services Act, but do not include a school as defined by the Schools Act.

FLOODWAY means the inner portion of a flood risk area where the risk of flood is greatest, on average once in twenty years and where the flood depths and water velocities are greatest.

FLOODWAY FRINGE means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and flood waters are shallower and slower.

FLOOD PROOFING means structural and/or non-structural measures incorporated in the design of a building or structure which reduce or eliminate the risk of flood damage by ensuring that the ground floor elevation is higher than the projected flood level and that the building can be exited without hindrance in the event of a flood.

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

FORESTRY means the use of land for the purpose of forest and woodland management including the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber, and includes reforestation, afforestation and silviculture.

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.

GENERAL GARAGE means land or buildings used for the repair, maintenance and storage of motor vehicles and may include the sale of petroleum products.

- GENERAL INDUSTRY** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, preparing, processing, testing, salvaging, breaking up, demolishing, or treating any article, commodity or substance, and "Industry" shall be construed accordingly.
- GROUP CHILD CARE USE** means a building or part of a building in which services and activities are regularly provided for seven (7) or more children as defined in the Child Care Services Act, but do not include a school as defined by the Schools Act.
- GROUP HOME** means a dwelling unit accommodating not more than 6 persons, exclusive of staff, in a home-like setting where staff provide care and supervision. This definition includes, but is not limited to, the facilities called "Transition House" and "Foster Home".
- 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 OCCUPATION** means a secondary use of a dwelling unit or its accessory building by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity, and subsidiary to a residential use. Also referred to as a "Home based Business", and classified as an "Office" use.
- HOME OFFICE** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office uses which do not involve visitation by clients, customers, or the general public to the site, nor the employment of non-residents, and subsidiary to a residential use. Also referred to as a "Home Based Business", and classified as an "Office" use.
- HOSPITALITY HOME** means a dwelling unit in which at least 1 room is regularly rented, and includes the uses commonly referred to as "Bed and Breakfast" and "Boarding House".
- INSPECTOR** means a person appointed as an inspector by the Council.

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

LANDSCAPING means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

LIGHT INDUSTRY means the use of land or buildings for 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.

LIVESTOCK OPERATION means a livestock operation of agricultural animals confined in one location which consists of 5 or more animal units at a given point in time.

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

LOT means a plot, tract or parcel of land that 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 a lot.

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

MINERAL WORKING means land or buildings used for the working, stockpiling or extraction of rock, mineral, peat or aggregate material, and will include a "quarry".

MINI HOME means a factory produced single dwelling complying with the National Building Code and having the appearance of a mobile home.

MINISTER shall mean the Minister of Municipal Affairs, unless otherwise specified.

MOBILE HOME means a transportable factory-built single family dwelling unit, which complies with space standards substantially equal to those laid down in Part IX of the National Building Code of Canada and is in accordance with the construction standards laid down by the Canadian Standards Association and all other applicable provincial and municipal regulations, and

which is designed to be transported on its own wheels and chassis to a lot, and subsequently supported on its own wheels, jacks, or posts or a permanent foundation;

and connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

MUNICIPAL PLAN means a plan adopted by the Council as a Municipal Plan pursuant to the *Urban and Rural Planning Act*.

NON-CONFORMING USE means a legally existing use that is not listed as a permitted use 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 or persons owning or having 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 these Development Regulations.

PLANNING AREA means a regional planning area and a municipal planning area established under section 6 and 11 of the Act. For the purpose and context of these regulations, the Planning Area shall mean the area within the municipal boundaries of the Town of Paradise.

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 Council specifies as not permitted within a use zone.

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

RESTAURANT means a building or part of a building, licensed for the purpose of serving meals and includes a "Snack Bar".

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

SERVICE STATION means a building, including gas pumps, used for the sale of petroleum products, and may include general merchandise, minor automotive repairs, and washing of 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 retail stores with integrated parking which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

SIDEYARD WIDTH means the distance between a 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 or local government, utilities

and boarding or similar structures used for the display of advertisements.

SINGLE DWELLING means one building containing a single dwelling unit for the use of one family, placed on its own lot, and can include a subsidiary apartment.

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

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

SUBDIVISION means the dividing of land, whether in single or joint ownership, into 2 or more pieces (including lots), for the purpose of development.

SUBSIDIARY APARTMENT means a separate dwelling unit constructed within and subsidiary to a single dwelling.

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

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 Council's regulations.

ZONING MAP means the map or maps attached to and forming part of the Council's Regulations.

**TOWN OF UPPER ISLAND COVE
SCHEDULE B
2011 – 2021**

PLAN-TECH



ENVIRONMENT

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

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

CLASSIFICATION OF USES OF LAND AND BUILDINGS

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

CLASSIFICATION OF USES OF LAND AND BUILDINGS

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

CLASSIFICATION OF USES OF LAND AND BUILDINGS

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

CLASSIFICATION OF USES OF LAND AND BUILDINGS

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

CLASSIFICATION OF USES OF LAND AND BUILDINGS

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

**TOWN OF UPPER ISLAND COVE
SCHEDULE C
2011 – 2021**

PLAN-TECH



ENVIRONMENT

TOWN OF UPPER ISLAND COVE

SCHEDULE "C"

USE ZONE TABLES

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

The schedule contains tables for the following Use Zones:

Land Use Zone	Abbreviation	Page
Residential I	R-I	1
Residential II	R-II	7
Mixed Development	MD	13
Commercial-Industrial	C-I	20
Conservation	CON	23
Recreation	REC	25
Rural	RUR	27

STANDARD CONDITIONS FOR ALL USE ZONES

The following conditions shall apply to all use zones listed under these Development Regulations.

1. Discretionary Uses

The discretionary uses listed in the use zone tables may be permitted at the discretion of Council, provided that they are complimentary to uses within the permitted use class, or that their development will not inhibit or prejudice the existence or the development of such uses. Reference should be made to the General Development Standards.

2. Referrals - General Approvals by Provincial and Federal Government Agencies and Departments

Prior to the issuance of a development permit for the foregoing developments, approvals must be obtained from the various agencies noted below:

Agriculture and Farming

Approvals must be obtained from the Department of Natural Resources for any commercial farming operation. The Department of Government Services must approve all manure systems.

Crown Land

Approvals must be obtained from the Crown Lands Administration Division, Department of Environment and Conservation. Applications are made to the Eastern Regional Lands Office, Howley Building, Higgins Line.

On-Site Services (Well and Sub-Service Systems)

Approvals involving installation of on-site water and sewer systems must be obtained from the Department of Government Services, Government Service Centre, Harbour Grace.

Environmental Investigations

Approvals for any development that may have an environmental impact must be referred to Environmental Investigations, Department of Government Services, Government Service Centre, Harbour Grace and/or the Pollution Prevention Division, Department of Environment and Conservation.

Forestry

Permits for commercial and domestic woodcutting or other forestry related activities must be obtained from the Department of Natural Resources, Forest Management Unit 1, Paddy's Pond.

Mineral Workings, Mining and Mineral Exploration

Approvals and permits involving mining and quarrying and other development proposed to take place within 50 metres of a reserved sand or gravel pit or quarry; within 300 metres of an operational sand or gravel pit or quarry; or within 1000 metres of a quarry in which blasting may take place must be obtained from the Department of Natural Resources, Mineral Lands Division.

Archaeology Discovery

During site excavation any artifacts or physical structures found of a historical nature shall be reported to the Provincial Archaeology Office, Department of Department of Tourism, Culture and Recreation.

Waterways

Any development within a body of water involving alteration of a body of water must be approved or exempted by the following agencies:

Provincial

Department of Government Services - for Crown land referrals.

Department of Environment and Conservation, Water Resources Division – for any development within fifteen (15) metres of a body of water or the defined high water mark of a body.

Federal

Department of Fisheries and Oceans
Coast Guard Canada – Navigable Waters Act.
Fish Habitat Division

3. Development Over Easements

No permanent building shall be constructed over any known easement, whether that easement has been assigned to the Town of Upper Island Cove, a department of the provincial or federal government, or any utility company (ie: Newfoundland Power, telephone, cable television, Crown land). Permanent buildings include, but are not limited to, all dwellings and accessory buildings.

4. Conservation of Natural Environment and Aesthetic Areas

Council may require agreements with developers and property owners aimed at preserving sensitive environmental areas and natural scenic areas. These areas may include sensitive vegetation, fish habitat, or water quality. Such agreements may include provisions such as designating of local conservation areas, maintenance of tree cover and maintenance of tree cover along rear yards, rivers, streams and shorelines.

5. Shoreline Buffers

Generally, no development will be permitted within 15 metres of rivers or streams, or shoreline of lakes and ponds. Certain public works and passive recreational open space uses may be permitted as long as they will not be detrimental to the environmental and aesthetic quality of the area. Development of these areas will be subject to the approval of the federal Department of Fisheries and Oceans, and/or the provincial Department of Environment and Conservation.

USE ZONE TABLE

ZONE TITLE				RESIDENTIAL-I (R-I)			
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling; recreational open space.							
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Double dwelling, row dwelling, apartment building, collective residential, boarding house (includes tourist homes and bed and breakfasts), place of worship, educational, convenience store, medical and professional, personal service, child care, office, cultural and civic uses, antenna, light industry.							
STANDARDS	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m²) minimum*	450	390	350 (average)	200	250	280	300
Floor area (m²) minimum*	80	80	65	40	50	60	70
Frontage (m) minimum**	19	23	12* (av)	36			
Building Line Setback (m) (minimum)	6	6	8	8			
Sidyard Width (m)(min.)	1	1	1	5			
Rearyard Depth (m)(min.)	9	14	14	14			
Lot Coverage (%) (max.)	33	33	33	33			
Height (max.)	8	8	10	10			
* Per dwelling unit							
** With Town Water and Sewer							

CONDITIONS FOR RESIDENTIAL-I ZONE**1. Subsidiary Apartments**

- (a) One subsidiary apartment may be permitted in a single dwelling.
- (b) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (c) A minimum of two off street parking spaces shall be required.
- (d) The minimum floor area required is 40 m² for a one bedroom subsidiary apartment, plus ten square metres for each additional bedroom.

- (e) For lots without municipal water and sewer services, the Government Service Centre shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.

2. Discretionary Uses Classes

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

3. Dwelling Frontage

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

4. Accessory Buildings

- (a) Accessory buildings shall have a combined maximum lot coverage not exceeding 7%, up to a maximum floor area of 75 m², whichever is less. Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line.
- (b) The maximum height of an accessory building shall be 5 metres.

5. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.

6. Advertisements Relating to Offsite Uses

The conditions for 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) No advertisement shall exceed 1.5 m² 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) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

7. Place of Worship and Educational Use

Where permitted as a discretionary, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.

8. Convenience Store

Convenience stores shall only be permitted as a discretionary use under the following conditions:

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on site parking, loading, buffering and landscaping.

9. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking

requirements of the dwelling unit and the home occupation.

- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

10. Child Care

A day care or day nursery (i.e.: a child care operation in which services are regularly provided to seven or more children), shall be subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) A limit of one day care or day nursery will be permitted on any street.
- (c) The use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, night clubs, and amusement uses.

11. Boarding House Residential

A boarding, lodging house or tourist home shall be permitted as a discretionary use in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons

A "bed and breakfast" use in a dwelling may be permitted to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood;
- (b) the use is carried out by a resident/owner of the dwelling unit;
- (c) the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling;

- (d) one parking space shall be provided for each guest room on the lot;
- (e) Council may require the parking area to be screened by a fence, or hedge;
- (f) the maximum number of guest rooms shall be five (5), and
- (g) the establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

12. Buffer (around waterways and waterbodies)

No development shall be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

13. Mature trees

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL II (R-II)
PERMITTED USES CLASSES – see Regulation 90. Single dwelling, recreational open space and conservation.	
DISCRETIONARY USES CLASSES – see Regulation 34 and 91. Boarding house residential (bed and breakfast only), place of worship, educational, convenience store, medical and professional, child care, office, personal service, child care, antenna, and light industry.	

CONDITIONS**1. Development Standards**

STANDARDS	Single Dwelling	Single Dwelling (one service)	Single Dwelling (Unserviced)
Minimum Lot Area (m ²)	1,860	1400	1400
Minimum Frontage (m)	23	23	30
Minimum Building Line Set Back (m)	8	10	10
Maximum Building Line Set Back (m)	15	15	15
Minimum Side Yard (m)	1	1	1
Minimum Rear Yard (m)	9	9	9
Maximum Lot Coverage (%)	33	33	33
Maximum Height (m)	8	8	8
Minimum Floor Area (m ²)	85	85	85

2. Discretionary Uses Classes

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

3. Accessory Buildings

- (a) Accessory buildings shall have a combined maximum lot coverage not exceeding 7%, up to a maximum floor area of 75 m², whichever is less. Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line.
- (b) The maximum height of an accessory building shall be 5 metres.

4. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on site parking, loading, buffering and landscaping.

5. Boarding House Residential

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons.

A "bed and breakfast" use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood;
- (b) the use is carried out by a resident/owner of the dwelling unit;
- (c) the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling;
- (d) one parking space shall be provided for each guest room on the lot;
- (e) Council may require the parking area to be screened by a fence, or hedge; and
- (f) the maximum number of guest rooms shall be five (5).
- (g) the establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

6. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.

- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

7. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

8. Child Care

A day care or day nursery (i.e.: a child care operation in which services are regularly provided to seven or more children), is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) A limit of one day care or day nursery will be permitted on any street.
- (c) The use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses.

9. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.

10. Advertisements Relating to Offsite Uses

The conditions for 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) No advertisement shall exceed 1.5 m² 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) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

11. Mature trees

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT (MD)
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling; recreation open space and conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Double dwelling, row dwelling, apartment building, boarding house residential, collective residential, commercial residential, cultural and civic, general assembly, passenger assembly, club and lodge, catering, child care, indoor assembly, medical & professional, office, personal service, general service, communications, taxi stand, police station, medical treatment and special care (senior's home only), take-out food service, shop, convenience store, light industry, and antenna.	

CONDITIONS FOR MIXED DEVELOPMENT ZONE**1. Development Standards**

The development standards for this zone shall be as follows:

- | | |
|-----------------------------------|-----------|
| (a) Minimum Building Line Setback | 8 metres* |
| (b) Minimum sideyards | 5 metres |
| (c) Minimum Rearyard | 10 metres |
| (d) Maximum Height | 10 metres |

* Residential development shall conform to the standards of the Residential II Land Use Zone. Residential development requiring full services shall conform to the standards of the Residential I Land Use Zone.

2. Accessory Buildings for Residential Use

- (a) Accessory buildings shall have a combined maximum lot coverage not exceeding 7%, up to a maximum floor area of 75 m², whichever is less. Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line.
- (b) The maximum height of an accessory building shall be 5 metres.

3. Dwelling Frontage

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

4. Discretionary Use Classes

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

5. Buffer for Residential Uses

Where a non-residential use abuts a residential use, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety. Alternatively, Council may increase the sideyard and rearyard requirements on the non-residential site to provide additional separation from the abutting residential use.

6. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.

7. Advertisements Relating to Offsite Uses

The conditions for 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) No advertisement shall exceed 1.5 m² 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) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

8. Home Businesses - Office, Medical and Professional Service, Personal Service, Child Care and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.

- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

9. Place of Worship and Educational Use

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling. The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

10. Convenience Store

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.

- (c) Adequate provision for on site parking, loading, buffering and landscaping.

11. Child Care

A day care or day nursery (i.e.: a child care operation in which services are regularly provided to seven or more children), is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) A limit of one day care or day nursery will be permitted on any street.
- (c) The use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses.
- (g) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;

12. Boarding House Residential

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons.

A "bed and breakfast" use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood;
- (b) the use is carried out by a resident/owner of the dwelling unit;
- (c) the dwelling in which the Bed and Breakfast use is carried out is similar

in exterior finish, design, height, and scale to a private residential dwelling;

- (d) one parking space shall be provided for each guest room on the lot;
- (e) Council may require the parking area to be screened by a fence, or hedge;
- (f) the maximum number of guest rooms shall be five (5), and
- (g) the establishment is licensed under the Tourist Establishment Regulations, 1994, as amended from time to time.

13. Outdoor Storage

Outdoor storage will not be permitted in frontyards. It may be permitted in sideyards and rearyards. Council may require fencing or other forms of screening to prevent an unsightly appearance.

14. Outdoor Market

An outdoor market may include a used car lot, provided due consideration is given to the size and scale of the development relative to the site and to surrounding uses. Due consideration shall also be given to buffering, off-street parking, traffic movement, congestion, and safe access.

15. General and Light Industrial Uses

General industrial uses shall be small scale light industrial uses such as small workshops and warehouses, and autobody repair shops shall be permitted provided that;

- (a) The use shall constitute entirely or partly the livelihood of a person living in the specified dwelling;
- (b) Activities associated with the use shall be carried on in building separate from the residential dwelling;
- (c) One building only, separate from the dwelling, and located in the rear or side yard a minimum of 2 m from any lot line, and having a maximum floor area of 75 m² and a height of no more than 6 m, may be used in connection with the general or light industrial use;
- (d) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference;

- (e) Retail sales are incidental and subsidiary to the approved use and there is no outdoor storage of equipment or materials.
- (f) No change is made in the type, class or extent of the use without a permit.
- (g) Adequate on-site parking, loading, buffering and landscaping is provided.

16. Service Station

A Service Station may be permitted only in the form of pump islands to dispense motor vehicle fuel and only in conjunction with a Convenience Store on the same site.

17. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

USE ZONE TABLE

ZONE TITLE	COMMERCIAL-INDUSTRIAL (C-I)
PERMITTED USE CLASSES - (see Regulation 89) Catering, office, medical and professional, personal service, shop, and convenience store passenger assembly (all use classes), business and personal service (all use classes), commercial residential, service station, cultural civic and shop, outdoor assembly, mercantile (all use classes), light industry, and general industry.	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Clubs and lodges, amusement, taxi stand, police station, funeral home, indoor market, office, general services, veterinary, antenna, recreational open space, and mineral workings..	

CONDITIONS FOR COMMERCIAL HIGHWAY ZONE

1. Development Standards

The development standards for this zone shall be as follows:

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

2. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows.

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.

- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.

3. Advertisements Relating to Offsite Uses

The conditions for 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) No advertisement shall exceed 1.5 m² 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) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

4. General Industry

Council may consider a general industry use within this Land Use Zone such that the proposed use is associated with an existing commercial or industrial property.

5. Buffers (around waterways)

An area 15 metres in width on each side of rivers, ponds and tributary streams shall be maintained in a natural state. The limits shall be determined by Fisheries and Oceans and the Water Resources Management Division, Department of Environment and Conservation.

6. Landscaping and Surfacing

Lots shall be landscaped. No debris or material left over from site preparation may be allowed to remain in general public view. The surface of the entire lot must be finished with a stable surface (grass, pavement, gravel) to ensure dusty or muddy surface conditions will not arise.

7. Outdoor Storage

Outdoor storage shall not be permitted in front yards, but may be permitted in side yards and rear yards. Council may require fencing or other forms of screening or buffers to prevent an unsightly appearance.

8. Storage of Flammable Liquids

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

9. Buffer for Residential Uses

Where an industrial development abuts a residential use or proposed residential area or is separated from it by a road only, the developer shall provide a buffer strip not less than 10 metres wide between any residential activity or area and the industrial use. The buffer shall include a natural or structural barrier, as deemed necessary by Council, and shall be maintained by the owner or occupier to the satisfaction of Council.

10. Mineral Workings

See Condition 5 of the Rural Land Use Zone.

USE ZONE TABLE

ZONE TITLE	CONSERVATION (CON)
PERMITTED USE CLASSES - (see Regulation 89) Conservation, recreation, open space, cemetery.	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Agriculture, forestry; transportation and antenna.	

CONDITIONS FOR CONSERVATION ZONE

1. Discretionary Use Classes

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

2. Agricultural Use

Traditional small scale hobby and subsistence agricultural uses may be permitted such as vegetable gardens. Areas of steep slope where soil erosion may occur shall not be developed for agriculture uses, unless a soil erosion program can be developed and implemented.

3. Cemetery

Cemeteries which are located separately from a church shall be permitted in the Conservation land use zone.

4. Accessory Building

An accessory building may be permitted in association with a cemetery and shall have a maximum floor area of 20 m². Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line and a maximum height of an accessory building shall be 5 metres.

5. Buffer (around waterways and waterbodies)

No development shall be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services.

USE ZONE TABLE

ZONE TITLE	RECREATION (REC)
PERMITTED USE CLASSES - (see Regulation 89) Recreation, conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Indoor assembly; outdoor assembly; cultural and civic, catering (take-out food service); antenna; child care.	

CONDITIONS FOR RECREATION LAND USE ZONE**1. Development Standards**

The development standards for this zone shall be as follows:

- | | |
|-----------------------------------|-----------|
| (a) Minimum Building Line Setback | 5 metres |
| (b) Minimum Sideyards | 5 metres |
| (c) Minimum Rearyard | 10 metres |
| (d) Maximum Height | 15 metres |

2. Discretionary Use Classes

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

3. Take-Out Food Service

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

4. Buffer (around waterways and waterbodies)

No development shall be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

USE ZONE TABLE

ZONE TITLE	RURAL (RU)
PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry, recreational open space, and conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Outdoor Assembly, single dwelling, veterinary, outdoor market, general industry, mineral working, cemetery, animal, and antenna.	

CONDITIONS FOR RURAL ZONE**1. Discretionary Use Classes**

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

2. Development Standards

The development standards for uses in this zone shall be determined case-by-case and shall conform to the standards for the same uses in other zones.

3. Single Dwellings

Single residential dwellings may be permitted in conjunction with a permitted use such as agriculture. The agricultural uses shall be a commercial business and the full time farmer shall obtain a minimum of 50 % of his or her gross income from the farm operation. The commercial operation shall be in operation for a minimum of two years before Council will approve any residential development.

4. General Industry

General Industrial uses and associated accessory uses may be permitted by Council provided that:

- (a) The use is restricted to maintenance and repair of equipment, processing and storage related to agriculture or forestry uses,
- (b) The site is unsuitable for location in the General Industrial zone,
- (c) Municipal services, such as town water and sewer will not be required,
- (d) The proposed use will not have an adverse visual impact on the built-up areas of the Town and Council may require that the site be screened or not visible from public roads and the built-up area,
- (e) The proposed use will not generate an increase in traffic on roads in the built-up areas of the Town,
- (f) The proposed site can be developed without negative impact on the natural environment and amenities of the Town, including watercourses and ponds.

5. Mineral Working

Council may permit mineral working subject to the following conditions:

- (a) Effective tree screens shall be maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence.
- (b) Topsoil removed for mineral working shall be retained for restoration of the site.
- (c) No mineral working shall be conducted which causes danger or nuisance to the public.
- (d) No mineral working shall be permitted within the view of a designated scenic road.
- (e) Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Department of Natural Resources.
- (f) No mineral working shall unacceptably reduce the quality of water in a watercourse or waterbody. Any access road which crosses a watercourse shall have a bridge or culvert according to the regulations of the Department of Environment and Conservation.

- (g) No mineral working shall result in the excavation of land below the level of the water table nor cause the ponding of water. However, settling ponds may be permitted with the approval of the Department of Environment and Conservation.
- (h) No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
- (i) The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.
- (j) Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance.

6. Blueberry Management Units

Development in Blueberry Management Units is restricted to management and harvesting of blueberries. No structures or dwellings may be erected within a blueberry management unit.

7. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 5 m² in area.

8. Advertisements Relating to Offsite Uses

The conditions for 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) No advertisement shall exceed 3 m² 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 Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and the amenities of the surrounding area.

9. Seasonal Residential

Seasonal residential use and recreation cottage use shall not be permitted within the Rural Land Use Zone.

**TOWN OF UPPER ISLAND COVE
SCHEDULE E
2011 – 2021**

PLAN-TECH



ENVIRONMENT

**TOWN OF UPPER ISLAND COVE
SCHEDULE D
2011 – 2021**

PLAN-TECH



ENVIRONMENT

OFF-STREET PARKING REQUIREMENTS

CLASS ASSEMBLY USES	
(a) Theatre	Two spaces for every 5 seats
(b) Cultural and Civic	One space for every 50m ² of gross floor area
(c) Educational	K - 12 - 3 spaces for every classroom. Other facilities - 1 space for every 5 persons using the facilities (students, faculty and staff)
(d) Place of Worship	Two spaces for every 5 seats
(e) Passenger Assembly	As specified by the Council
(f) Private Club	One space for every 3 persons that may be accommodated at one time
(g) Catering	One space for every 3 persons that may be accommodated at one time
(h) Lounges and Bars	One space for every 3 persons that may be accommodated at one time
(i) Funeral Home	One space for every 10m ² of gross floor area
(j) Child Care	One space for every 20m ² of gross floor area
(k) Amusement	One space for every 10m ² of gross floor area
(l) Indoor Assembly	One space for every 10 persons that may be accommodated at one time
(m) Outdoor Assembly	As specified by the Council

CLASS INSTITUTIONAL USES	
(a) Detention Centre	As specified by the Council.
(b) Medical Treatment and Special Care	One space for every 20m ² of gross floor area
(c) Special Care	One space for every bed
(d) Collective Residential	As specified by the Council

CLASS	
RESIDENTIAL USES	
(a) Single Dwelling	Two spaces for every dwelling unit
(b) Double Dwelling	Two spaces for every dwelling unit
(c) Row Dwelling	Two spaces for every dwelling unit
(d) Apartment Building	Three spaces for every 2-dwelling units
(e) Subsidiary Apartment	One space for every apartment unit
(f) Hospitality Home	As specified by the Council
(g) Boarding House Residential	One space for every residential unit
(h) Mobile Home	Two spaces for every residential unit

CLASS	
BUSINESS AND PERSONAL SERVICES	
(a) Office	One space for every 20m ² of gross floor area
(b) Professional Service	One space for every 20m ² of gross floor area
(c) Personal Service	One space for every 20m ² of gross floor area
(d) General Service	One space for every 20m ² of gross floor area
(e) Communications	As specified by the Council
(f) Home Occupation	Minimum of 1 space per non-resident employee

CLASS	
COMMERCIAL USES	
(a) Shopping Centre	One space for every 20m ² of gross floor area
(b) Shop	Min. of 2 spaces plus one space for every 20m ² of gross floor area
(c) Convenience Store	Min. of 2 spaces plus one space for every 20m ² of gross floor area
(d) Take-Out Food	Min. of 2 spaces plus one space for every 15m ² of gross floor area
(e) Vending Stand	Minimum of 2 spaces plus additional as specified by the Council
(f) Indoor Market	As specified by the Council
(g) Outdoor Market	As specified by the Council
(h) Service Station	One space for every 20m ² of gross floor area
(i) Commercial Residential	One space for every rental room

CLASS INDUSTRIAL USES	
(a) Hazardous Industry	One space for every employee, plus 3
(b) General Industry	One space for every employee, plus 3
(c) Light Industry	One space for every employee, plus 3

CLASS NON-BUILDING USES	
(a) Outdoor Recreation	As specified by the Council
(b) Conservation	As specified by the Council
(c) Cemetery	As specified by the Council
(d) Scrap Yard	As specified by the Council
(e) Animal	Min. of 2 spaces plus one space for every 20m ² of gross floor area
(f) Transportation	As specified by the Council