

Town of Winterland, NL

Town of Winterland Development Regulations 2014-2024

Land Use Zoning, Subdivision and Advertisement Regulations

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CONSOLIDATION: No amendments as of December 3, 2015

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Town of Winterland Development Regulations – FINAL

URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF WINTERLAND DEVELOPMENT REGULATIONS
2014-2024

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Winterland adopts the Town of Winterland Development Regulations 2014-2024.

Adopted by the Town Council of Winterland on the 5th day of May, 2015.

Signed and sealed this 5th day of May, 2015.

Mayor: Ches Kenway

Clerk: Malyse Smith

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: W. Frank Flanagan
W. Frank Flanagan, P.Eng., FCIP, RPP

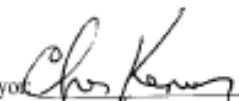
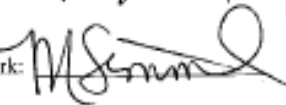
URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF WINTERLAND DEVELOPMENT REGULATIONS
2014-2024


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

- a) adopted the Town of Winterland Development Regulations on the 2nd day of June, 2015.
- b) gave notice of the adoption of the Town of Winterland Development Regulations by advertisement inserted on the 12th day and the 19th day of May, 2015 in the Southern Gazette newspaper.
- c) set the 3rd day of June at 7 p.m. at the Town Hall, Winterland, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Winterland approves the Town of Winterland Development Regulations as adopted (or as amended as follows).

SIGNED AND SEALED this 2nd day of June, 2015

Mayor: 
Clerk: 

Development Regulations/Amendment	
REGISTERED	
Number	<u>5310-2015-001</u>
Date	<u>November 4, 2015</u>
Signature	

(Council Seal)

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exp Quality System Checks	
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Issue Status: Final Plan	Revision No.:
Prepared By: Frank Flanagan	
Reviewed By: Richard Smith	

**NEWFOUNDLAND AND LABRADOR
REGULATION 3/01**

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

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

MINISTERIAL REGULATIONS – Newfoundland and Labrador Regulation 3/01

REGULATIONS

Analysis

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Short title

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

Definitions

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

Application

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

Interpretation

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

MINISTERIAL REGULATIONS – Newfoundland and Labrador Regulation 3/01

- (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 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;
- (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;

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

Notice of right to appeal

5. Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the
- (a) person's right to appeal the decision to the board;
 - (b) time by which an appeal is to be made;
 - (c) right of other interested persons to appeal the decision; and
 - (d) manner of making an appeal and the address for the filing of the appeal.

Appeal requirements

6. (1) The secretary of the board at the Department of Municipal and Intergovernmental Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(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 may appoint 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.

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

Appeal registration

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

Development prohibited

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

Hearing notice and meetings

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

Hearing of evidence

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

Board decision

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

Variations

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

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

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

Notice of variance

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

Residential non-conformity

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

Notice and hearings on change of use

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

Non-conformance with standards

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

Discontinuance of non-conforming use

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

Delegation of powers

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

Commencement

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

TOWN OF WINTERLAND
LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS
(DEVELOPMENT REGULATIONS)

APPLICATION

20. Short Title

These Regulations may be cited as the Town of Winterland Development Regulations.

21. 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.

22. Commencement

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

23. 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 Winterland, shall, under these Regulations apply to the entire Planning Area.

24. Authority

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

PART I - GENERAL REGULATIONS

25. Compliance with Regulations

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

26. 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.

27. Permit to be Issued

Subject to Regulations 28 and 29, 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; and
- (e) the standards of design and appearance established by the Authority.

28. Permit not to be Issued in Certain Cases

Neither a permit nor outline planning permission 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.

29. Discretionary Powers of Authority

In considering an application for a permit or for outline planning permission 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.

30. Variances by Authority

- (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 these 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 these 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 nonconformity of an existing development.

31. 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 seven (7) days for response.

32. 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 32(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 benefitted by the public works related to all the real property so benefitted; 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.

33. 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 33(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.

34. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 99, 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.

35. 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.

36. Form of Application

- (1) An application for a development permit or for outline planning permission shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- (2) The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 36(1) and a description of the plans, specifications and drawings required to be provided with the application.

37. 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.

38. 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 (8) weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 38(1), shall be deemed to be refused.

39. Outline Planning Permission

- (1) The Authority may grant outline planning permission for the erection, alteration or conversion of a building if, after considering an application for outline planning permission 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 outline planning permission is granted under these Regulations, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the outline planning permission, which shall also specify that further application for approval of these details shall be received not later than two (2) years from the grant of outline planning permission.

40. 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 outline planning permission 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 (2) years, which may be extended in writing by the Authority for further periods not exceeding two (2) years.
- (4) A permit is valid for such period, not in excess of two (2) 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 (1) year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

41. 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.

42. Notice of Right to Appeal

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

- (a) person's right to appeal the decision to the board;
- (b) time by which an appeal is to be made;

- (c) right of other interested persons to appeal the decision; and
- (d) manner of making an appeal and the address for the filing of the appeal.

43. Appeal Requirements

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

44. 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 two (2) weeks before the date upon which the appeal is to be heard by the board.

45. 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.

46. Appeal Board

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

47. Appeals

- (1) A person or association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate appeal board where the decision is with respect to:
 - (a) an application to undertake a development;
 - (b) a revocation of an approval or permit to undertake a development;
 - (c) the issuance of a stop work order; or
 - (d) a decision permitted under the Act or another Act to be appealed to the board.
- (2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme and development regulations and amendments and revisions of them is final and not subject to appeal.
- (3) An appeal board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.
- (4) An appeal shall be filed with the appeal board not more than 14 days after the person who made the original application appealed from has received the decision being appealed. An appeal shall be made in writing and shall include:
 - (a) a summary of the decision appealed from;
 - (b) the grounds for the appeal; and
 - (c) the required fee.
- (5) A person or group of 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.
- (6) An appeal board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (7) An appeal board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24 of the Act, and having regard to the circumstances and merits of the case.
- (8) 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 the board.
- (9) 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.
- (10) 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.
- (11) The decision of a majority of the members of an appeal board present at the hearing of an appeal shall be the decision of the appeal board.
- (12) An appeal board shall in writing notify the appellant and the appropriate Authority of the decision of the appeal board.

48. Hearing of 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 seven (7) days before the date scheduled for the hearing of the appeal.
- (2) An appeal board may meet as often as is necessary to conduct its work in an expeditious manner.

49. 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 48(1) of 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 the property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the appeal board.
- (4) In the conduct of an appeal hearing, the appeal board is not bound by the rules of evidence.

50. 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 section 44 of the Act shall be paid to him or her by the Authority.

51. Notice of Application

The Authority, when a variance is necessary under Regulation 12 and the Authority wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 69, 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 outline planning permission, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 32, the Authority shall give written notice of the proposed variance from development standards to all persons whose land is in the vicinity of the land that is the subject of the variance, and allow a minimum period of seven (7) days for response.

52. 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.

53. 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.

54. 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 25(1) is guilty of an offence under the provisions of the Act.

55. Delegations 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

56. 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 m to the street line of any street intersection.

57. 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 side yard 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.

58. Advertisements

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

59. 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.

60. 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 rear yard requirements shall be varied as follows:

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

61. 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.

62. 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.

63. 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 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

64. Livestock Structures and Uses

Structures designed to contain more than five (5) animal units may be permitted by the discretion of Council. When considering such a development, Council shall have regard to the following:

- (a) the distance of the structure from adjacent residential uses (except a farm residence or a residence which is a nonconforming 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 designed for residential use in an approved plan;
- (b) the distance of the structure from a municipal, provincial or federal park;

- (c) the location of nearby groundwater aquifers and wells;
- (d) the impact of nuisance variables such as air, noise and water pollution and the means by which solid and liquid waste will be treated;
- (e) the impact of the proposed use on traffic volumes in the local road network;
- (f) the provision of landscaping or buffering from nearby land uses in order to protect the privacy, reasonable use and enjoyment of these properties; and
- (g) the prior approval and licensing of activities related to livestock by the appropriate provincial department, where required.

65. 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.

66. 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.

67. 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.

68. Mobile Homes

- (1) Groups of more than five (5) mobile homes shall be located only in approved mobile home parks and mobile home subdivisions in Residential Use Zones so designated and shall conform to the requirements of the Provincial Mobile Home Development Regulations currently in effect.
- (2) No development permit shall be issued for a mobile home lot unless it conforms to the requirements of Regulation 23 of the Mobile Home Development Regulations.

69. Non-conforming Uses

- (1) Notwithstanding a plan, scheme or regulations made under this Act, the minister, a council or regional authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the 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 one (1) year after that discontinuance unless otherwise provided by regulation under the Act.
- (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 Minister or appropriate council, regional authority or authorized administrator;
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;

- (d) may have the existing use for that building, structure or development varied by the appropriate council, regional authority or authorized administrator to a use that is, in their opinion, more compatible with a plan and regulations applicable to it;
 - (e) may have the existing building extended by the appropriate council, regional authority or authorized administrator where, in its opinion, that extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to standards included in 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; and
 - (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.
- (4) Where considering a non-conforming building, structure, or development and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper in circulation 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.

70. 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.

71. Off-street 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 these Regulations 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 (4) 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.

72. 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 these Regulations 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.

73. 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.

74. 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.

75. 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.

76. 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 m from the front lot line.
- (c) Accesses shall not be less than 7 m 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 m and the lot line between entrances shall be clearly indicated.

77. Side Yards

A side yard 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.

78. 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.

79. 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.

80. Un-subdivided Land

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

81. 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.

82. Development near Bodies of Water

Development within 15 m of the high water mark of a marine shoreline will only be permitted for a marina or wharf or other use requiring direct access to a body of water. For any development requiring direct access to a body of water, the owner shall obtain prior written approval under section 48 of the *Water Resources Act* for those developments before a permit is issued by the Town.

In all designations or zones within the municipality, no development will be permitted:

- (a) within 15 metres of rivers or streams, and
- (b) within 30 metres of the shoreline or any lake or pond.

PART III - ADVERTISEMENTS

83. Permit Required

Subject to the provisions of Regulation 88, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority.

84. Form of Application

Application for a permit to erect or display an advertisement shall be made to the authority in accordance with Regulation 36.

85. Advertisements Prohibited in Street Reservation

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

86. 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 (2) years, but may be renewed at the discretion of the Authority for similar periods.

87. 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.

88. 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 curtilage 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.

89. 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.

90. Non-Conforming Uses

Notwithstanding the provisions of Regulation 83, a permit may be used for the erection or display of advertisements on a building or within the curtilage 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

91. 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.

92. 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.

93. 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 12 and 13.

94. 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; and
- (n) such other matters as may affect the proposed development.

95. 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.

96. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 36.

97. Subdivision Subject to Zoning

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

98. Building Lines

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

99. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m² for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:
 - (a) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
 - (b) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
 - (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;
 - (d) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - (e) money received by the Authority in accordance with Regulation 99(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 99(1).

100. 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.

101. 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 ten (10) percent.
- (b) Every cul-de-sac shall be provided with a turning circle of a diameter of not less than 30 metres.
- (c) The maximum length of any cul-de-sac shall be:
 - (i) 200 m 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 Intergovernmental Affairs in connection with municipal five-year capital works program eligibility.
 - (ii) 300 m 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 (4) streets shall join at any street intersection.
- (j) No residential street block shall be longer than 400 m between street intersections.

- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	discretion of Council
Collector Streets	15 m	6.1 m	1.5 m	
Local Residential Streets:				
where more than 50% of the units are single or double dwellings;	15 m	6.1 m	1.5 m	
where 50% or more of the units are row houses or apartments.	15 m	6.1 m	1.5 m	
Service Streets	15 m	6.1 m	1.5 m	

- (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.

102. 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 an Engineer hired by the Developer to meet the Town's specifications. 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, an Engineer hired by the Developer 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 an 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.

103. 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 Professional Engineers and Geoscientists Newfoundland and Labrador and in effect at the time the work is carried out.

104. 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.

105. 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.

106. 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.

107. 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

108. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Land Use Zoning Map (Schedule E) attached to and forming part of these Regulations.
- (2) Subject to Regulation 108(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.

109. 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.

110. 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.

111. 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 51 and has considered any objections or representations which may have been received on the matter.

112. Uses Not Permitted

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

SCHEDULE A

DEFINITIONS

Abandon:

- (a) To discontinue use for more than six (6) consecutive months.
- (b) To cease or suspend developing or maintaining a building or use for a stated period of time.

Access: A way, intended for use by vehicles, pedestrians or animals as a means of going from a road, street or highway to land adjacent to it.

Accessory Building: A detached subordinate building not used for human habitation, located on the same lot as the main building structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the building, land or structure, and shall include:

- (a) in the case of 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;
- (b) in the case of commercial uses: workshops or garages; and
- (c) in the case of industrial uses: garages, offices, raised ramps and docks.

Accessory Use: A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

Act: The Urban and Rural Planning Act.

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

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

Alignment: The common boundary of a street and lot.

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

Animal: A non-human living being with a developed nervous system.

Apartment Building: A building containing three or more dwelling units, but does not include a row dwelling.

Appeal Board: The appropriate Appeal Board established under the Act.

Architectural Integrity: The degree to which a building's original design and physical composition is evident and intact.

Arterial Highway: A provincially-designated limited access highway (the Trans-Canada Highway) that is designated as an arterial highway in the Municipal Plan or Zoning Bylaw.

Assembly Occupancy: The occupancy use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.

Auto Body Shop: A building or a clearly defined space on a lot used for the storage, repair and servicing of motor vehicles including body repair and painting but does not include an automobile service station or an automobile sales establishment.

Auto Scapyard: A building, warehouse, yard or other place or premise in or on which are stored or kept automobiles, auto parts or any other salvage object intended for resale or delivery of another person.

Automobile Repair: The general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.

Automotive Vehicle Sales or Rental Establishment: An establishment having as its main use the storage of vehicles for sale or the storage of vehicles for rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

Awning: A movable or immovable roof-like cover that projects from the wall of a building for the purpose of advertising and/or shielding a doorway or window from the elements and is periodically retracted into the face of the building.

Back Lot: A lot that does not have frontage on an open, public street, or that has less than the required frontage as set out in the Municipal Plan and Zoning Bylaw.

Balcony: A platform, projecting from the face of a wall of a building, cantilevered or supported by columns or brackets and surrounded by a balustrade or railing.

Basement:

(a) That portion of a building partly underground, but having less than one-half its clear height below the average lot grade;

(b) A portion of a building between two floor levels which is partly set underground but which has at least one-half of its height, from finished floor to finished ceiling or to the undersides of the floor joints of the storey next above, as the case may be, above the adjacent average finished grade level adjacent to the exterior walls of the building;

(c) A storey partly above curb level but having at least one-half of its height above the curb level.

Bed and Breakfast Establishment: A single unit dwelling in which the resident supplies, for compensation, not more than four (4) bedrooms for the temporary accommodation of travellers.

Berm:

(a) A raised form of earth to provide screening or to improve aesthetic character;

(b) A mound of earth.

Boarding House or Hospitality Home: A dwelling in which at least two (2) rooms are regularly rented to persons other than the immediate family of the owner or tenant.

Buffer: A parcel or tract of land, with plant material or other landscaping, that is used to separate one use from another to shield or block noise, light or other nuisances.

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

Building Envelope: The volume of space that may be occupied by a building mass.

Building Footprint: The greatest horizontal area of a building above grade within the outside surface of exterior walls, or within the outside surface of exterior walls and the centre line of firewalls.

Building Height: The vertical distance, measured in metres, from the established grade to the (a) highest point of the roof surface of a flat roof; (b) deck line of a mansard roof; and (c) mean height level between the eave and the ridge of a gable, hip or gambrel roof. In any case, a building height shall not include mechanical structures, smokestacks, steeples or purely ornamental structures above a roof.

Building Line: A line established by the Authority that runs parallel to a street line and is set back at the closest point to a street that a building may be placed. This may include:

- (a) Any line defining the position of a building or structure on a lot;
- (b) A line at a prescribed distance from a boundary line of a lot or parcel of land;
- (c) A line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected;
- (d) A line, usually fixed parallel to the lot line, beyond which a building may not extend.

Building Setback: The minimum horizontal distance between the site boundary and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of the building if specified elsewhere.

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

Car Dealership: *See Automobile Vehicles Sales or Rental Establishment.*

Car Wash: *See Automobile Washing Establishment.*

Cemetery: The use of land primarily as landscaped open space in the placement of grave sites, and where chapels, crematoria and related facilities may be incorporated as accessory uses.

Child Care Centre: *See Day-care Centre.*

Church: A building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, rectory, manse and day nursery operated by the church.

Clinic: A building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.

Collector Roadway: A street that is designated to link local streets with arterial highways and which are designated as a collector street in the Municipal Plan or Zoning Bylaw. Collector roadways can be provincially- or municipally-designated.

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee.

Conditional Use: A use of property, which is permitted within a zone so long as it can be implemented subject to such terms and conditions as may be imposed by the Authority pursuant to the Act.

Conservation:

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

Convenience Store: A building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.

Cottage: A building to accommodate one or more guests for temporary occupancy, containing at least two (2) rooms and is at least partially furnished.

Day-care Centre or Day Nursery: A building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the Day Nurseries Act (replaced by the *Childcare Services Act*, June 5, 1998), but does not include a school as defined by the Schools Act.

Deck:

- (a) A structure abutting a dwelling with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.
- (b) A structure without a roof having a foundation to hold it erect, and attached to or abutting one or more walls of a building or constructed separate from a building, with or without direct access to the ground, the floor of which is greater than 0.6 metres above finished grade, and which is designed and intended for use as a sundeck, but shall not include a landing or stair.

Developer: A person, or company, who is responsible for any undertaking that requires a zoning permit, special-use permit or conditional-use permit.

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

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

and shall exclude:

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

Development Scheme: A type of plan that becomes part of the zoning for the property. The plan depicts site characteristics and development information for the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, street pattern, and other similar features.

Discretionary Use: A use that is listed within the discretionary use classes established in the use zone tables of the Authority's Development Regulations.

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

Dwelling: A building or portion thereof used for residential occupancy, including one (1) unit, two (2) unit, and multi-unit dwellings, but does not include hotels and motels.

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

Easement: The right to use land, most commonly for access to other property, or as a right-of-way for utility service.

Eating Establishment: A building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, cafe, cafeteria, take-out counter, ice-cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand; but does not include a boarding or lodging house.

Engineer: A professional engineer employed or retained by the Authority.

Facade: The exterior wall of a building exposed to the public view or that wall viewed by persons not within the building, usually the face of a building fronting on the public street.

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

Farm: A lot, buildings and structures where the primary use is for the production of farm products such as dairy products, livestock, field or forestry crops, or undeveloped land, and as accessory uses. A farm may incorporate one single detached or mobile home dwelling for use by farm help, and structures such as a barn or silo.

Fence: A barrier closing or bordering a field, yard, etc. usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

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

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

Funeral Home: A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

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

Grade: The degrees of rise or descent of a sloping surface.

Gravel Pit: An open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.

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

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

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

Home Based Business (Home Occupation): An accessory use of a dwelling unit for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the building or site.

Hotel: A tourist establishment that consists of a building containing three (3) or more attached units grouped under one roof and accessible from the interior or partially from the exterior, designed to accommodate the travelling public and may have facilities for serving meals.

Infill: The placement of new buildings into established built-up areas, resulting in an increase in building stock.

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

Institution: A building or part thereof occupied or used by persons who:

(a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted; or

(b) require special care or treatment because of age, mental or physical limitations or medical conditions.

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

Landscaping: Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.

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

Livestock: Any animal customarily kept by humans for the purpose of providing food, clothing, or work, including but not limited to equine (horses, mules), bovine (cattle), ovine (sheep), caprine (goats), porcine (swine, hogs), and fowl, but excluding bees.

Local Street: A street designed primarily to provide access to adjoining land and which is not designated as an arterial highway or collector roadway in the Municipal Plan, or on the Zoning Map.

Lodging House: A dwelling in which at least two (2) rooms are regularly rented to persons other than the immediate family of the owner or tenant.

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

Lot Area: The total horizontal area within the lot lines of the lot.

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

Lot Line: Any boundary of a lot.

Lumber Yard: A facility where building materials such as lumber, plywood, drywall, panelling, cement blocks and other cement products, and other building materials are stored and sold. Lumber yards may also perform customized work such as cutting, planning and performing millwork. Lumber yards may provide for the sale of associated products including tools and fasteners.

Marina: means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including storage,

sales and rentals, with or without a club house and catering facilities. It can also include a boat-house or shed associated with a dock or wharf.

Mineral Working: Land or buildings used for the working or extraction of any naturally occurring substance.

Mobile Home: A transportable factory-built single family dwelling unit:

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

(b) which is designed to be:

(i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;

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

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

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

Motel: A tourist establishment that:

(a) consists of one (1) or more than one building containing four (4) or more attached accommodation units accessible from the exterior only;

(b) may or may not have facilities for serving meals; and

(c) is designed to accommodate the travelling public for whom the automobile is the principal means of transportation.

Non-conforming Use: A development or use of land that legally existed prior to the registration of these regulations under Section 24 of the Act that does not conform with a regulation, scheme or plan that applies to the land upon which the development or use of land is found.

Nursing Home: A building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and approved by the appropriate provincial department.

Open Space: Space that is open to the sky and suitable for active or passive recreation or gardens; this space shall be free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is intended.

Outdoor Storage: The storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.

Owner: Any person, firm or corporation controlling the property under consideration.

Parking Lot: An open area of land other than a street or an area within a structure for the parking of vehicles.

Passive Recreation: Those recreational activities that are compatible with the preservation of important features of the natural environment (e.g., hiking trails, picnic sites, etc.)

Permitted Use: A use that is listed within the permitted use classes set out in the use zone tables of the Authority's Development Regulations.

Pit and Quarry Working: *See Mineral Working.*

Place of Assembly: Any public or private building or structure which is designed for the assembly or collection of persons at any one time.

Prohibited Use: 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.

Public Use: Any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries, and other public buildings and structures.

Quarry: A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

Rear Yard: A yard extending across the full width of the lot between the rear lot line and the nearest wall of the building on the lot.

Rear Yard Depth: The distance between the rear lot line and the rear wall of the main building on the lot.

Repair Shop: *See Auto Body Shop.*

Residential Use: Any family dwellings permitted under this regulation.

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

Retirement Home: A residential facility or part thereof which is not a nursing home or group home, in which, for hire or gain, lodging is supplied in at least ten (10) retirement dwelling units. Meals are supplied for the occupants in a common kitchen and dining facility and other communal facilities, such as nursing care, may be provided. Accommodation shall be intended for the lodging of retired or elderly persons.

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

Salvage Yard: An area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals, or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site.

Screening: The use of landscaping, fences or berms, or a combination thereof, to visually and/or audibly separate areas of use.

Seasonal Residence or Cottage: A dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.

Senior Citizens' Home: *See Retirement Home.*

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

Setback: The least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope on such lot.

Shopping Centre: 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.

Side Yard Width: The distance between a side lot line and the nearest side wall of any building on the lot.

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

Street: Any street, road or highway or any other way designed or intended for public use for the passage of vehicles and pedestrians, owned by the Authority or other public agency and maintained at public expense, and is accessible to Fire Department vehicles and equipment.

Street Frontage: The horizontal distance between the projected side lot lines measured at the curb.

Street Line: The edge of a street, road or highway reservation as defined by the Authority having jurisdiction.

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

Subsidiary Apartment: A separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

Take-Out Food Service: A building in which the primary purpose is the preparation and sale of meals or refreshments for consumption off the premises.

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

Temporary Use: A use and/or structure permitted to exist for a limited amount of time.

Tourist Establishment: Any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided.

Trailer: Any vehicle used for sleeping or eating accommodation of persons and so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that such vehicle is jacked-up or its running gear removed.

Use Zone or Zone: An area of land including buildings and water designated on the Zoning Map to which the uses, standards and conditions of a particular Use Zone Table in Schedule C of the Regulations relate.

Variance: 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.

Watercourse: Any lake, pond, river, stream or other body of water.

Watershed: the surface area contained within a divide above a specific point on a river, stream, creek or other flowing body of water.

Wetland: Lands on which the ground water table is close to or above the surface or which is saturated with water for a sufficient length of time to favour the wetlands or aquatic processes: hydric soils, hydrophytic vegetation and various forms of biological activities adapted to this environment. In addition to providing valuable habitat for wildlife, wetlands also:

- (a) enhance water quality due to their ability to filter drinking water supply;
- (b) abate flood damage by soaking up and holding flood waters;
- (c) ensure adequate water supply for public use, irrigation, and livestock, thanks to the groundwater-recharging functions of wetlands;
- (d) reduce shoreline erosion and damage as wetland vegetation binds and stabilizes substrates, traps sediments, and reduces wave or current energy; and
- (e) provide recreational opportunities as wetlands can support boating, fishing, hunting, bird watching and other wildlife viewing.

Yard: An open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in the Regulations.

Zoning Map: The map or maps attached to and forming part of the Regulations.

SCHEDULE B

CLASSIFICATION OF USES OF LAND AND BUILDINGS

NOTE: The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 2005**. This classification is referred to in Regulation 108 and 109.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts	(a) Theatre	Motion Picture Theatres TV 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
	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

GROUP	DIVISION	CLASS	EXAMPLES
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 Infirmaries 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 Dwellings Duplex Dwellings Family & Group Homes
		(c) Row Dwelling	Row Houses Town Houses Family & Group Homes
		(d) Apartment Building	Apartments Family & Group Homes
	2. General Residential Uses	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nursing & 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
		(f) Personal Care Homes	Retirement Homes Seniors' Complexes

GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices) Banks
		(b) Medical & Professional	Medical Offices & 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 & Appliance Rentals Travel Agents
		(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Fire Stations 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
(b) Shops	Retail Shops Stores & Showrooms Department Stores		
(c) Indoor Market	Market Halls Auction Halls		
(d) Outdoor Market	Market Grounds Animal Markets Produce & Fruit Stands Fish Stalls		
(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops		

GROUP	DIVISION	CLASS	EXAMPLES
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 & Rubber Factories Spray Painting Lumber Yards
	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
		(c) Forest Industry	Planing Mills Sawmills
	3. Light, Non-hazardous or Non-intrusive Industrial Uses	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops Home Improvement Stores Equipment Depot

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
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 & Scenic Sites Steep Slopes Wildlife Sanctuaries Passive Recreation
		(f) Cemetery	Cemeteries Graveyards
		(g) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos
		(j) Antenna	TV, Radio & Communications Transmitting & Receiving Masts and Antennae
		(k) Transportation	Airfields Railway Yards Docks and Harbours Marinas and Wharves
(l) Campgrounds	Campgrounds		

SCHEDULE C

USE ZONE TABLES

This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purposes 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:

General Provisions for All Use Zones

Use Zones

Mixed Use (MU)

Comprehensive Development Area (CDA)

Environmental Protection (EP)

Protected Water Supply (PWS)

Rural/Resource (RR)

Airport (AP)

GENERAL PROVISIONS FOR ALL USE ZONES

Notwithstanding the provisions of Part II – General Development Standards of these Regulations, the following provisions will apply to all Use Zones within the Winterland Planning Area.

1. Government Uses

A government (federal, provincial, or municipal) owned building or facility may be permitted in any use zone provided that such use conforms with the applicable standards that apply to the permitted uses in that Zone.

2. Accessory Uses Permitted

- (a) Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses 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.
- (b) Notwithstanding Part 2a, an accessory building or structure may be constructed on an existing lot prior to the establishment of a main use of the land subject to the approval of Council. The intended accessory building or structure shall not be used for human habitation.

3. Multiple Uses

In any use zone where any land or building is used for more than one use, each use shall be required to meet the provisions of these regulations. Where there is a conflict, such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

4. Street Classification

For the purposes of these regulations, streets within the Town of Winterland are classified as follows:

Collector Roadway	Local Streets
Route 210 Kimberly Farm Drive (Route 222)	All other streets in the Town of Winterland are considered local streets.

5. Building Accessibility

All public and institutional buildings shall be constructed in conformity with the **Buildings Accessibility Act** and **Regulations** to ensure accessibility for persons with physical and/or sensory disabilities.

6. Subdivision Agreement

As a condition of approval for development, Council may require the developer to enter into a subdivision agreement with the Municipality.

7. Watercourse Separation Distances

Development is permitted within 15 metres of any watercourse, except for those related to water treatment and distribution, and/or include recreational boardwalks, and structures for the use and storage of recreational boats.

8. Flood Risk Areas

Development within any Designated Floodway (1:20 year flood zone), should any ever be identified or designated, shall be limited to non-building uses that will not be damaged by flooding. Development within the Floodway Fringe (1:100 year flood zone) shall meet flood-proofing standards intended to reduce damage to building type development and minimize the risk to building occupants. A proposed development may be refused if the applicant is unable to show that it would not be at risk from flooding or flood-related events.

Applications to develop within any Designated Floodway and the Floodway Fringe shall be referred to the Water Resources Division of the Department of Environment and Conservation for its recommendation before Council approves and application.

9. Open Storage

Open storage, where permitted, shall have minimum negative visual impact from the street.

MIXED USE (MU)

PERMITTED USE CLASSES (See Reg. 110)

Double Dwelling
Single Dwelling

DISCRETIONARY USE CLASSES (See Regs. 51 & 111)

Agriculture
All use classes in the Business & Personal Service Uses group
Amusement
Antenna
Apartment Building (see Condition 8)
Catering Building
Child Care
Club & Lodges
Collective Residential (Condition 6)
Commercial Residential
Communications
Convenience Store
Cultural & Civic
Educational
Funeral Home
General Assembly
General Service
Indoor Assembly
Indoor Market
Light Industry (see Condition 7)
Medical Treatment and Special Care
Mobile Homes
Personal Care Homes
Place of Worship
Police Station
Recreational Open Space
Row Dwelling
Service Station
Shopping Centre
Shops
Take-out Food Services
Theatre
Transportation

Refer to the **Town of Winterland Municipal Plan 2014-2024**, page 10, Section 4.1: General Land Use Policies; and page 17, Section 4.2.3: Mixed Use Land Use Policies.

CONDITIONS

1. Development Standards

- (a) Currently and for the foreseeable future, the Town has only water service. Given this, the minimum lot size required for single and two-family dwellings shall continue to be 1400 square metres, with a minimum lot frontage of 30 metres and a minimum lot depth of 46 metres. For apartments and non-residential buildings the minimum lot sizes shall be at Council's discretion with the advice of the Town's municipal engineer.
- (b) The development standards for this zone shall be as follows if sanitary sewer services as well as water are included:

Standard	Single Dwelling	Double Dwelling	Apartments and Non-Residential Buildings
a) Lot Area (minimum)	540 m ²	410 m ² per unit	Discretion of Council
b) Lot Frontage (minimum)			
- Interior Lot	18 m	27 m	30 m
- Corner Lot	23 m	27 m	30 m
c) Building Line Setback (minimum)	8 m	8 m	10 m
d) Side Yard Width (minimum)	2 m	2 m	5 m
e) Rear Yard Depth (minimum)	8 m	8 m	15 m
f) Building Height (maximum)	8 m	9 m	15 m

2. Advertisements Relating to On-site Uses

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

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

3. Advertisements Relating to Off-site Uses

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

- (a) Each advertisement shall not exceed 3 square metres in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of the premises, and only show thereon the name and nature of and the distance or direction to the premises to which they relate.
- (c) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

4. Accessory Buildings

Accessory buildings shall have a lot coverage no greater than 7%, or a height of no more than 3 metres. Garages shall have a maximum floor space of 24 square metres (single).

5. Discretionary Use Classes

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

6. Collective Residential Uses

Collective Residential Uses such as institutions or facilities providing for the care and maintenance of children or seniors or persons under disability, but not including a prison or penitentiary, may be permitted provided that in the opinion of the Authority, the institution or facility does not adversely affect the amenities of the adjacent residences or neighbourhood in which it is located. The Authority may require special safety features to be provided to protect the lives of the occupants before occupancy is permitted.

7. Light Industry

- (a) Light industrial uses in Mixed Use zones shall be limited to small scale assembly and fabrication, such as furniture and cabinet-making operations or small scale indoor storage facilities.
- (b) All work related to the development must take place indoors.
- (c) No more than five people may be employed on-site in the manufacture and sale of the items.
- (d) The development must not produce noise, fumes, dust, smoke or any other kinds of atmospheric emissions noticeable off-site.
- (e) Open storage of goods, materials or machinery shall not be permitted on-site.
- (f) Heavy equipment shall not be parked outdoors on-site.
- (g) No more than one delivery vehicle shall be kept on-site.
- (h) No hazardous chemicals shall be stored inside or outdoors on-site.
- (i) Adequate loading space and on-site customer and employee parking must be provided.
- (j) All other applicable conditions within Mixed Use zones must be conformed with.
- (k) Development standards shall be the same as they are for commercial uses in the Mixed Use areas (Condition 1).

8. Apartment Building

An apartment building may only be permitted in this zone if it is in keeping with the character of the area and compatible with the other uses of the area in accordance with the standards approved by the Authority. The standards approved by the Authority for the apartment building may not necessarily be the same as those General Development Standards set out in Condition 1 of this zone.

COMPREHENSIVE DEVELOPMENT AREA (CDA)

1. DEVELOPMENT SCHEMES

- (a) No development shall be permitted until Comprehensive Development Schemes (in accordance with Section 29 of the Urban and Rural Planning Act) have been prepared for the area and approved by Council.
- (b) This approval includes rezoning the lands to the appropriate land use designation before it is developed or subdivided.
- (c) This approval shall be based on directing growth to areas where it is possible to extend existing water services.
- (d) This approval shall include reserving road access points to these areas as specific development plans or subdivisions are submitted.
- (e) This approval shall include the precise setting of boundaries for development as part of the development plan or subdivision.

2. PERMITTED USE CLASSES

CDA1 (lands south of Pioneer Drive and east of Branch Road), CDA2 (lands south of Route 210 and north of Pioneer Drive), and CDA3 (lands north of where Route 210 intersects with Route 222) are reserved for future Residential Dwelling Uses in accordance with the Comprehensive Development Schemes, Development Plans and Subdivisions.

3. DISCRETIONARY USE CLASSES (see Regs. 51 & 111)

The following uses are only permitted by Council, on a discretionary basis, in CDA3:
Agricultural Uses
Recreational Open Space Uses
Conservation Uses

Refer to **Winterland Municipal Plan 2014-2024**, page 10, Section 4.1: General Land Use Policies; and page 16, Section 4.2.2: Comprehensive Development Area Land Use Policies.

CONDITIONS**1. Discretionary Use Classes**

With respect to discretionary uses identified in Item 3, permanent facilities that would prejudice future residential development shall not be permitted.

ENVIRONMENTAL PROTECTION (EP)

PERMITTED USE CLASSES (See Reg. 110.)

All lands designated Environmental Protection (EP) will be managed in accordance with the terms of the Municipal Wetland Stewardship Agreement and also require adherence to the policies of the Habitat Conversation Plan for the Town of Winterland for all land uses within the Municipal Wetland Stewardship Area.

DISCRETIONARY USE CLASSES (See Regs. 51 & 111.)

Recreational uses such as trails and picnic areas.

Refer to the **Town of Winterland Municipal Plan 2014-2024**, page 10, Section 4.1: General Land Use Policies; and page 20, Section 4.2.6: Environmental Protection Land Use Policies.

CONDITIONS

1. Discretionary Use Classes

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

PROTECTED WATER SUPPLY (PWS)

PERMITTED USE CLASSES (see Reg. 110)

All development or land use activity in a protected water supply area will be referred to the Department of Environment and Conservation for consideration and approval under Section 39 of the Water Resources Act. Owners and operators of land within a designated Protected Water Supply Area shall be responsible for protecting the water supply by posting Protected Water Supply signs and maintaining them as is required under the Act.

DISCRETIONARY USE CLASSES (see Regs. 51 & 111)

Conservation

Refer to **Winterland Municipal Plan 2014-2024** page 10, Section 4.1: General Land Use Policies; and page 18, Section 4.2.4: Protected Water Supply Land Use Policies.

CONDITIONS**1. Discretionary Use Classes**

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

RURAL RESOURCE (RR)**PERMITTED USE CLASSES** (see Reg. 110)

Agriculture
 Conservation
 Forestry
 Recreational Open Space

DISCRETIONARY USE CLASSES (see Regs. 51 & 111)

Animal Uses
 Antenna
 Campgrounds
 Cemetery
 Forest Industry
 General Industry (see Condition 2.1)
 Light Industry (see Condition 7)
 Mineral Working (see Condition 6)
 Mobile Homes (See Condition 1)
 Outdoor Assembly
 Outdoor Market (see Condition 7)
 Shop (see Condition 7)
 Single Dwelling (see Condition 1)
 Transportation

*Refer to the **Town of Winterland Municipal Plan 2014-2024** page 10, Section 4.1: General Land Use Policies; and page 19, Section 4.2.5: Rural Resource Land Use Policies.*

CONDITIONS**1. Single Dwellings**

Single dwellings (including mobile homes) will be permitted only where they are clearly accessory structures to the permitted uses listed above. Single dwellings shall have a minimum lot area of 1860 m² and adhere to the requirements listed under Condition 7 (c), (d) and (e).

2. Industrial

Industrial uses associated with the resource base (i.e., forestry, agriculture, aquaculture, aggregate extraction) may be permitted if they are highly land intensive, or for any other reason, cannot be feasibly located closer to developed areas.

2.1 General Industrial

General Industrial uses not related to the resource base, including storage of materials and equipment, may also take place at suitable sites in Rural Resource areas at Council's discretion. Screening, landscaping and building and property maintenance to Council's satisfaction are required. The development must not have negative off-site environmental or visual effects.

3. Advertisements Relating to On-site Uses

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

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

4. Advertisements Relating to Off-site Uses

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

- (a) Each advertisement shall not exceed 3 square metres in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of and the distance or direction to the premises to which they relate.
- (c) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

5. Discretionary Use Classes

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

6. Mineral Working

The Authority may permit mineral workings subject to any applicable provincial regulations and the following conditions:

- (a) Effective tree screens must be maintained around the periphery of any area to be mined or quarried;
- (b) Topsoil removed prior to or in the course of the mining or quarrying operation must be retained for restoration of the site;

- (c) Upon completion of mining and quarrying operations, and when there is no intention to reopen such operations, all buildings and machinery must be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance;
- (d) All mining or quarrying operations must- be conducted so that no danger or nuisance is caused to the public; and
- (e) No mining or quarrying operation will be permitted within the view of a designated scenic road.

7. Light Industry, Shop and Outdoor Market

Light industry, shop and outdoor market may be permitted subject to the following conditions:

- (a) The use is compatible with the adjacent area and complies with Condition 4;
- (b) The use is part of an integrated operation, which includes one or more commercial greenhouses, the sale and distribution of gardening and lawn care products and silviculture, under single ownership or management;
- (c) Minimum building line set back is 10 m;
- (d) Minimum side yards are 5 m; and
- (e) Minimum rear yard is determined by the Authority.

8. Seasonal Residential

Seasonal Residential uses are permitted by Council on a discretionary basis provided that such uses do not place additional pressure on the Town's municipal services, nor conflict with the resource-based uses permitted in the RR zone.

AIRPORT (AP)

PERMITTED USE CLASSES (See Reg. 110)

1. Airport-related uses such as terminal buildings; aircraft hangars; storage, utility and maintenance buildings necessary for the safe and efficient operation of the airport.
2. Commercial or industrial uses related to serving, supplying or maintaining air passenger or cargo services.

Note: The Winterland Airport is subject, first and foremost, to the regulations of Transport Canada that govern airport lands, facilities, structures and operations. This includes the location and heights of any buildings or structures.

Refer to the **Town of Winterland Municipal Plan 2014-2024** page 10, Section 4.1: General Land Use Policies; and page 19, Section 4.2.5: Rural Resource Land Use Policies.

SCHEDULE D**OFF-STREET PARKING REQUIREMENTS**

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

GROU P	DIV.	CLASS	MINIMUM OFF-STREET PARKING REQUIRE- MENT
A	1	(a) Theatre	One (1) space for every five (5) seats
	2	(a) Cultural & Civic	One (1) space for every fifty (50) square metres of gross floor areas
		(b) General Assembly	One (1) space for every ten (10) square metres of gross floor area
		(c) Educational	Schools – two (2) spaces for every classroom Further education – one (1) space for every five (5) persons using the facilities (students, faculty and staff)
		(d) Place of Worship	One (1) space for every five (5) seats
		(e) Passenger Assembly	As specified by the Authority
		(f) Club and Lodge	One (1) space for every three (3) persons that may be accommodated at one time
		(g) Catering	One (1) space for every three (3) customers that may be accommodated at one time
		(h) Funeral Home	One (1) space for every ten (10) square metres of gross floor area
		(i) Child Care	One (1) space for every twenty (20) square metres of gross floor area
		(j) Amusement	One (1) space for every ten (10) square metres of gross floor area
	3	(a) Indoor Assembly	One (1) space for every ten (10) spectators that may be accommodated at one time
4	(a) Outdoor Assembly	As specified by the Authority	
B	1	(a) Penal and Correctional Detention	As specified by the Authority
	2	(a) Medical Treatment and Special Care	One (1) space for every two (2) patients
C	1	(a) Single Dwelling	Two (2) spaces for every dwelling unit
		(b) Double Dwelling	Two (2) spaces for every dwelling unit

GROU P	DIV.	CLASS	MINIMUM OFF-STREET PARKING REQUIRE- MENT
		(c) Row Dwelling	Two (2) spaces for every dwelling unit
		(d) Apartment Building	Three (3) spaces for every two (2) dwelling units
	2	(a) Collective Residential	As specified by the Authority
		(b) Commercial Residential	One (1) space for every guest room
		(c) Seasonal Residential	One (1) space for every residential unit
		(d) Mobile Home	Two (2) spaces for every dwelling unit

D	1	(a) Office	One (1) space for every twenty (20) square metres of gross floor area
		(b) Medical and Professional	One (1) space for every twenty (20) square metres of gross floor area
		(c) Personal Service	One (1) space for every twenty (20) square metres of gross floor area
		(d) General Service	One (1) space for every twenty (20) square metres of gross floor area
		(e) Communications	As specified by the Authority
		(f) Police Station	As specified by the Authority
		(g) Taxi Stand	As specified by the Authority
		(h) Take-out Food Service	One (1) space for every twenty (20) square metres of gross floor area
		(i) Veterinary	One (1) space for every twenty (20) square metres of gross floor area
E	1	(a) Shopping Centre	One (1) space for every fifteen (15) square metres of gross floor area
		(b) Shop	One (1) space for every twenty (20) square metres of gross floor area
		(c) Indoor Market	As specified by the Authority
		(d) Outdoor Market	As specified by the Authority
		(e) Convenience Stores	One (1) space for every twenty (20) square metres of gross floor area
F	1	(a) Hazardous Industry	One (1) space for every employee
	2	(a) General Industry	One (1) space for every employee
		(b) Service Station	One (1) space for every twenty (20) square metres of gross floor area
	3	(a) Light Industry	One (1) space for every employee

