TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS

2010-2020

Gazetted: July 30, 2010

Consolidation Date: November 15, 2013

Amendments: To see if there were any amendments to this document since it came into effect, please refer to:

List of Amendments

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

TOWN OF CLARENVILLE DEVELOPMENT REGULATIONS 2010-20

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Clarenville adopts the Clarenville Development Regulations 2010-20.

Adopted by the Town Council of Clarenville on the 25 day of May, 2010.

Signed and sealed this 13 day of July, 2010.

Mayor: Fred Best (Council Seal)

Fred Best

Clerk: for Marie Blackmore (acting clerk)

Marie Blackmore

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Clarenville Development Regulations 2010-20 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2010*.

MCIP: John Baird (MCIP Seal)

John Baird

JOHN D. BAIRD CANADIAN INSTITUTE OF PLANNERS INSTITUT CANADIEN DES URBANISTES MCIP MICU

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

TOWN OF CLARENVILLE DEVELOPMENT REGULATIONS 2010-20

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

a) adopted the Clarenville Development Regulations 2010-20 on the 30 day of MARCH, 2010,

b) gave notice of the adoption of the Clarenville Development Regulations 2010-20 by advertisement inserted on the 15 day and the 22 day of April, 2010 in the Clarenville Packet newspaper.

c) set the 26 day of APRIL at 7:00 p.m. at the Town Hall, Clarenville for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Clarenville approves the Clarenville Development Regulations 2010-20 as adopted.

SIGNED AND SEALED this 13 day of July, 2010

Mayor: Fred Best.
Fred Best

(Council Seal)

Clerk: Adele Pinsent (acting clerk)
Marie Blackmore

Development Regulations/Amendment
REGISTERED
Number 1055-2010-020
Date July 16, 2010
Signature

Contents

APPLICATION 1
1. Short Title 1
2. Interpretation 1
3. Commencement 1
4. Ministerial Development Regulations 1
5. Municipal Code and Regulations 1
6. Council 1
PART I – GENERAL REGULATIONS 3
7. Compliance with Regulations 3
8. Permit Required 3
9. Permit to be Issued 3
10. Permit not to be Issued in Certain Cases 3
11. Discretionary Powers of Council 3
12. Variances (Refer to Ministerial Development Regulations, Section 12) 4
13. Notice of Variance (Refer to Ministerial Development Regulations, Section 13) 4
14. Service Levy 5
15. Financial Guarantees by Developer 5
16. Dedication of Land for Public Purposes 6
17. Restoration of Land 6
18. Form of Application 6
19. Register of Application 7
20. Deferment of Application 7
21. Approval in Principle 7
22. Development Permit 8
23. Temporary Use Permit 9
24. Permit Fees 9
25. Compliance with Legislation 9
26. Reasons for Refusing or Setting Conditions on a Permit 10
27. Notice of Right to Appeal 10
31. Right of Entry 10
32. Record of Violations 11
33. Stop Work Order and Prosecution 11
34. Delegation of Powers (Refer to Ministerial Development Regulations, Section 18) 12
PART II - GENERAL DEVELOPMENT STANDARDS 13
35. Access Ramps and Decks 13
36. Consideration of the Needs of Disabled and Elderly Persons 13
37. Accesses and Service Streets 13
38. Accessory Buildings 13
39. Accessory Uses 14
40. Home Occupations 15

41. Childcare Service 16
42. Bed and Breakfast Establishments 16
43. Archaeological Sites 17
44. Buffer Strips 17
45. Building Line and Setbacks 17
46. Multiple Uses on One Lot 18
47. Main Buildings on a Lot 18
48. Comprehensive Development 19
49. Personal Care or Group Home 19
50. Height Exceptions 19
51. Minimum Distance Separations for Commercial Livestock Facilities 20
52. Heritage Buildings and Sites 20
53. Lot Area 21
54. Lot Frontage 21
55. Mineral Exploration 21
56. Non-Conforming Uses (Refer to Section 108(2) of the *Urban and Rural Planning Act 2000* and Sections 14, 15, and 16 of the Ministerial Development Regulations) 22
57. Offensive and Dangerous Uses 23
58. Offstreet Parking Requirements 24
59. Offstreet Loading Requirements 24
60. Parks, Playgrounds, and Open Spaces 24
61. Trail Corridors 25
62. Screening and Landscaping 26
63. Services and Public Utilities 26
64. Energy Generation Facilities 26
65. Service Stations and other Petroleum Dispensing Facilities 27
66. Site Development Requirements 27
67. Street Construction Standards 28
68. Development Within or Adjacent to a Watercourse or Wetland 28
69. Stormwater Management and Control 30
70. Line of Vision at Intersections 31
71. Development in the Vicinity of a Public Right-of-Way 31
PART III – ADVERTISEMENTS 32
72. Advertisements and Signs 32
73. Advertisements - Designated Areas, Standards and Excluded Areas 33
74. Advertisements Exempt from Control 34
75. Temporary and Portable Signs 35
76. Advertisements and Signs near Highways 36
77. Advertisements Relating to On-Site Uses 36
78. Advertisements Relating to Off-Site Uses 37
PART IV - SUBDIVISION OF LAND 73
79. Application of Part IV 73
80. Permit Required 73

81. Services to be Provided 73
82. Payment of Service Levies and Other Charges 73
83. Permit Subject to Considerations 73
84. Subdivision Application Requirements 74
85. Phasing of Residential Subdivisions 75
86. Building Permits Required 75
87. Form of Application 75
88. Subdivision Subject to Zoning 76
89. Land for Public Purposes 76
90. Structure in Street Reservation 77
91. Subdivision Design Standards 77
92. Engineer to Design Works and Certify Construction Layout 78
93. Developer to Pay Engineer's Fees and Charges 79
94. Street Works May Be Deferred 79
95. Transfer of Streets and Utilities to Council 80
96. Restriction on Sale of Lots 80
97. Grouping of Buildings and Landscaping 80
PART V - USE ZONES .....
98. Use Zones .....
99. Map Interpretation .....
100. Use Classes .....
101. Permitted Uses .....
102. Discretionary Uses .....
103. Uses Not Permitted .....
104. Similar Uses to Permitted or Discretionary Uses .....**Error! Bookmark not defined.**

SCHEDULES

SCHEDULE A - Definitions

SCHEDULE B - Classification of Uses of Land and Buildings

SCHEDULE C - Use Zone Tables

SCHEDULE D - Off-Street Parking Requirements

SCHEDULE E – Ministerial Development Regulations

APPENDICES

Department of Environment and Conservation Policy Directives:

A. W.R. 91-1 – Infilling of Water,

B. W.R. 96-1 – Floodplain Management, and

C. W.R. 97-1 - Development in Shore Water Zones

D. W.R. 97-2 - Development in Wetlands

TOWN OF CLARENVILLE MUNICIPAL PLAN
DEVELOPMENT REGULATIONS
APPLICATION

1. Short Title

These Regulations may be cited as the Clarenville Development Regulations.

2. Interpretation

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

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

3. Commencement

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

4. Ministerial Development Regulations

The Ministerial Development Regulations (Ministerial Regulations), enacted under Section 36 of the *Act*, shall apply to development within the Planning Area. Where there is conflict between these and the Clarenville Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Development Regulations are included with the Clarenville Development Regulations.

5. Municipal Code and Regulations

The building regulations, fire regulations, and any other municipal regulations controlling the development, conservation and use of land, shall, under these Regulations, apply to the entire Clarenville Municipal Planning Area. The National Building Code of Canada, the Fire Code of Canada, and all ancillary codes and regulations, shall also apply to the entire Clarenville Municipal Planning Area.

6. Council

In these Regulations, "Council" means the Municipal Council of the Town of Clarenville.

PART I – GENERAL REGULATIONS

7. Compliance with Regulations

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

8. Permit Required

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

9. Permit to be Issued

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

(a) The general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;

(b) The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;

(c) The standards set out in Part III of these Regulations in the case of advertisement;

(d) The standards set out in Part IV of these Regulations in the case of subdivision;

(e) The standards of design and appearance established by Council.

10. Permit not to be Issued in Certain Cases

Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of Council, 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 Council and such cost shall attach to and upon the property in respect of which it is imposed.

11. Discretionary Powers of Council

(1) In considering an application for a development permit or approval in principle, Council shall take into account the policies of the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general

appearance of the development, the amenity of the surroundings, availability of utilities, public safety and convenience, and other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

(2) When approving an application for a discretionary use, Council shall state in writing the basis for its approval.

(3) The exercise of discretionary powers does not enable Council to permit the development of a use that is not set out as a permitted use or a discretionary use under Schedule C or other Regulation, except when it considers that a proposed use is sufficiently similar to a permitted or discretionary use and in accord with the general intent of the Municipal Plan and the applicable zone under Schedule C.

12. Variances (Refer to Ministerial Development Regulations, Section 12)

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

(2) Council shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately not greater than 10%.

(3) Council shall not permit a variance from the development standards where the proposed development would increase the non-conformity of an existing development or would result in the creation of non-conformity of any existing legal development.

13. Notice of Variance (Refer to Ministerial Development Regulations, Section 13)

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

14. Service Levy

(1) In accordance with Section 149(2) of the *Municipalities Act* 1999, where Council carries out a public work that enables a real property to be developed or developed to a higher density, or enhances the value of a property, Council may charge a service levy on the property.

(2) The amount of a service levy shall be determined by Council, but shall not exceed the cost, including finance charges, to Council of constructing or improving the public works that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property.

(3) A service levy shall be assessed on the real property based on:

(a) The amount of real property benefited by the public works related to all the real property so benefited; and,

(b) The density of development made capable or increased by the public work.

(4) Council may require a service levy to be paid by the owner of the property benefited and may specify the time for payment.

15. Financial Guarantees by Developer

(1) Council 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 Paragraph (1) may be made in the form of:

(a) A cash deposit from the developer, to be held by Council,

(b) A guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer,

(c) A performance bond provided by an insurance company or a bank, or;

(d) An annual contribution to a sinking fund held by Council.

(3) Financial Guarantees – Mineral Workings

(a) A developer of a mineral workings site will provide a financial guarantee

in the form of a performance bond, unconditional and irrevocable letter of credit, or other form acceptable to Council for an amount to cover the cost of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.

(b) The financial guarantee will be returned when the site has been restored and any conditions attached to the development permit have been carried out to Council's satisfaction.

16. Dedication of Land for Public Purposes

In addition to the requirements for the dedication of land for public purposes under Regulation 90, Council 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 Council in accordance with Section 37 of the *Act*.

Unless Council decides otherwise, such land that is dedicated for public use will not include land that Council requires to be set aside from development for the purposes of stormwater management or environmental protection, whether or not that land is located within the Environmental Protection zone.

17. Restoration of Land

Where the use of a site is discontinued, the intensity of its use is decreased, a development permit has been revoked or has expired, or a temporary development permit has expired, Council may order the developer, the occupier of the site, the owner, or all of them to restore the site, remove all or any buildings or erections, cover or fill all wells or excavations, and close all or any accesses, or to do any or all of these things, as the case may be, and the developer, occupier or owner shall carry out the order of Council and shall put the site in a clean and sanitary condition to Council's satisfaction.

18. Form of Application

(1) An application for a development permit or for approval in principle shall be made to Council only by the owner or by a person authorized by the owner on such form as may be prescribed by Council and every application shall include plans and an application fee if required.

(2) Council shall supply to each applicant a copy of the application form referred to in Paragraph (1) and any available information required by the applicant relevant to the application.

19. Register of Application

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

20. Deferment of Application

(1) Council 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 Council and on which a decision has not been communicated to the applicant within sixty (60) days of the application being received by Council, shall be deemed to be refused.

21. Approval in Principle

(1) An application for an approval in principle for a subdivision or other form of development will include a description of the site and the proposed development, including a professionally prepared drawing, which:

(a) Delineates the limits of land to be used for the proposed development,

(b) Shows contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,

(c) Shows existing streets, buildings, and land uses in the vicinity of the site,

(d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and

(e) Provides any additional information that may be requested by Council.

(2) Council will not consider an application for an approval in principle unless that application includes a clear description of the site and proposed development in accordance with Paragraph (1).

(3) Council can grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal

Plan and these Regulations. Council will attach to the approval in principle such conditions that it deems necessary to ensure the proposed development will be in accordance with the Plan and these Regulations. It will also outline such details that the applicant will be required to address before a final development permit will be granted.

(4) An approval in principle will be valid for a period of one (1) year, and may be extended for one (1) additional year, up to a maximum of two (2) years.

(5) Where approval in principle is granted, approval of a final development permit will be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle.

(6) Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a proper development permit.

(7) Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principal.

(8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.

22. Development Permit

(1) A written development permit issued by Council or its designated staff will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.

(2) Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder will be responsible for full compliance with these conditions.

(3) A development permit is valid for a period of one (1) year and may be extended for one (1) additional year if requested by the applicant, up to a maximum of two (2) years.

(4) The issuance of a development permit does not prevent Council from thereafter

requiring the correction of errors or ordering the cessation, removal of, and remedial work on any development being carried out that is in violation of the Municipal Plan or these Regulations.

(5) Council may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.

(6) No person shall change the application for which a development permit was issued unless written approval of the change has been issued by Council.

(7) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.

(8) Council may revoke a development permit if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principal.

(9) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.

(10) A decision by Council on an application for a development permit can be appealed in accordance with Section 42 of the Act.

23. Temporary Use Permit

At its discretion, Council may issue a development permit for a temporary use, which must comply with the Municipal Plan and these Regulations. The permit may be for a period not exceeding one (1) year, and may be extended at the request of the applicant for one (1) additional year, up to a maximum of two (2) years.

24. Permit Fees

Council may charge a fee for a development permit in accordance with the annual schedule of fees adopted by Council.

25. Compliance with Legislation

(1) New development will comply with applicable acts and regulations including, but not limited to, the provincial *Water Resources Act*, *Environmental Assessment Act*, *Lands Act*, *Health and Community Services Act*, and *Building Near Highways Regulation*, as well as the federal *Fisheries Act of Canada*, *Environmental Protection Act of Canada*, and *Canadian Migratory Bird Act.*

(2) If Council is aware that a proposed development may not comply with a particular provincial or federal act or regulation, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.

(3) If Council feels that a proposed development may trigger the requirements of the *Environmental Assessment Act*, the proponent will be advised to consult with the Department of Environment and Conservation before a development permit will be issued.

(3) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

26. Reasons for Refusing or Setting Conditions on a Permit

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

27. Notice of Right to Appeal (Refer to Ministerial Development Regulations, Section 5)

Where Council makes a decision that may be appealed under Section 42 of the Act, Council 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 appeal board,

(b) Time by which an appeal is to be made,

(c) Right of other interested persons to appeal the decision, and

(d) Manner of making an appeal and the address for the filing of the appeal.

28. Appeals (Refer to Ministerial Development Regulations, Sections 6-11)

Sections 6 to 11 of the Ministerial Regulations outline the regulations with respect to appeal requirements, appeal registration, prohibition of development that is subject to an appeal, notice of an appeal hearing, the appeal board's hearing of evidence, and appeal board decisions.

29. Return of Appeal Fee

In accordance with Sections 42 (23) of the Act, where an appeal of a council decision is successful, an amount of money equal to the appeal fee paid by the appellant shall be paid to the appellant by Council.

30. Notice of Application (Refer to Ministerial Development Regulations, Sections 13 & 15)

(1) Notice of an application must be given when:

(a) A variance is to be considered under Regulation 12,

(b) A change in a non-conforming use is to be considered under Regulation 54,

(c) A proposed development is listed as a discretionary use in Schedule C,

(d) A Comprehensive development is proposed in accordance with Regulation 48, or

(e) Council determines that the public should be notified of an application.

(2) In accordance with Regulation 13 of these Regulations and Section 13 of the Ministerial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of seven (7) days will be provided for persons to respond.

(3) In accordance with Regulation 56 (4) of these Regulations and Regulations 15 of the Ministerial Development Regulations, notice of an application to change a non-conforming use will be by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.

(4) Notice of an application to develop a discretionary use will be by advertisement in a newspaper circulating in the area, and a minimum of sever (7) days will be provided for persons to respond.

(5) Notice of an application for a development that council determines the public should be made aware of will be by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.

31. Right of Entry

Any official authorized by Council may enter upon land and may at all reasonable times enter any development or building the purpose of making inspections relative to the development.

32. Record of Violations

Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.

33. Stop Work Order and Prosecution

(1) Where a person begins a development contrary or apparently contrary to these Regulations, Council 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 Paragraph (1) is guilty of an offence under the provisions of the *Act*.

34. Delegation of Powers (Refer to Ministerial Development Regulations, Section 18)
Council shall when designating employees or contractors to whom a power is to be delegated under Section 109(3) of the *Act*, make that designation in writing.

PART II - GENERAL DEVELOPMENT STANDARDS

35. Access Ramps and Decks

(1) At its discretion, Council may, after consulting with abutting property owners permit an access ramp for a wheel chair to be erected in a minimum front, rear, or side yard if:

(a) There is no alternative means to provide the access ramp, and

(b) The ramp does not create a safety hazard or block sight lines.

(2) An open or partially enclosed deck attached to a building shall not extend into the minimum permissible front and side yards and flanking road setback and shall not be closer to the rear lot line than 1 metre.

(3) An access ramp or open deck not is deemed to be part of the building when calculating lot coverage under Schedule C.

36. Consideration of the Needs of Disabled and Elderly Persons

At its discretion, Council may require higher or special standards or provisions in the design and construction of streets, sidewalks, parking areas, building entrances and internal spaces, parks, trails, playgrounds, recreational sites and facilities, and public spaces to accommodate the mobility needs of disabled and elderly persons.

37. Accesses and Service Streets

(1) Access shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system and Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.

(2) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

38. Accessory Buildings

(1) Accessory buildings shall be clearly incidental and complementary to the use of the main building(s) and shall be contained on the same lot.

(2) Accessory buildings shall complement and be compatible with the main building(s) in terms of size, design, and appearance.

(3) No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building.

(4) No accessory building shall be erected upon an easement.

(5) Accessory buildings cannot be used for commercial purposes unless approved by Council in conformity with the permitted and discretionary uses of the zone.

(6) An accessory building shall not be used for human habitation.

(7) Except as set out in Paragraph (8), no accessory building or part thereof shall project closer to the front street line than the main building.

(8) Notwithstanding Paragraph (7), Council in its discretion may approve an accessory building closer to the front street line than the main building where it determines that one or more of the following conditions exist:

(a) The location as required under Paragraph (7) would adversely affect the view from the rear of neighbouring properties,

(b) The main building itself is located an appreciable distance to the rear of other dwellings in the area,

(c) The location, size, and appearance of the accessory building will be compatible with the character of the neighbourhood, and

(d) Council has notified neighbours and duly considered any comments or objections received.

(9) Unless otherwise set out in Schedule C, the minimum separation between an accessory building and a main building will be 2.0 metres.

(10) The sideyard and rearyard setback requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot.

39. Accessory Uses

Subject to these Regulations, uses accessory to a permitted or discretionary use can be permitted in any zone. An accessory use will be clearly subsidiary to the main use and controlled so as to be compatible with the main use and nearby properties.

Examples of accessory uses include but are not limited to:

(a) Facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, museum, marina, or hotel,

(b) A gift or souvenir shop in a museum, hotel or other establishment,

(c) An office, small convenience store, or small catering establishment in a campground,

(d) A dock, wharf, or stage associated with a permitted or discretionary use,

(e) A subsidiary apartment,

(f) A home occupation,

(g) A swimming pool, tennis court, outdoor rink, children's playhouse, or similar facility,

(h) A satellite dish or similar device attached to a building,

(i) A wind generator, solar panel, radio antenna, or similar device.

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40. Home Occupations

The following conditions will apply to the use of a dwelling for a home occupation:

(a) The home occupation will be small scale and clearly secondary to the main residential use,

(b) The home occupation will be located inside the dwelling,

(c) The home occupation will employ at least one person who normally inhabits the dwelling and, in addition, may employ no more than two persons who do not normally inhabit the dwelling,

(d) The home occupation will not create traffic, parking, noise, odours, dust, fumes, electrical interference, or other impacts that unreasonably affect neighbouring residential uses,

(e) Unless otherwise authorized by Council, sufficient off-street parking space must be available on the lot to accommodate the parking needs of residents, employees, and clients,

(f) The home occupation will not consume water or generate sewage in excess of what is normal for a residential dwelling,

(g) There shall be no change to the outside appearance of the building or premises other than one, non-illuminated sign of 0.2 metres or less mounted on the principal building housing the use in question,

(h) All work shall be carried out inside the dwelling and there shall be no outdoor storage of materials or products,

(i) Council may require fencing, screening, and/or a minimum space separation to protect the amenity of adjacent uses,

(j) The home occupation will not include automobile or heavy equipment repair, auto body repair, or automobile sales,

(k) It will be the responsibility of the applicant to undertake any studies or other measures that Council may request to demonstrate how a proposed home occupation may affect the surrounding neighbourhood, and

(l) The home occupation must meet such other conditions as may be required by Council.

41. Childcare Service

Where permitted by Council, a childcare service, whether a stand-alone operation or a home occupation, will conform to the requirements of the *Child Care Services Act* and *Regulations*. Where required, a license to operate shall be obtained from the Department of Health and Community Services.

42. Bed and Breakfast Establishments

Where permitted, a Bed and Breakfast establishment will be subject to the following conditions:

(a) The use will be operated in a single dwelling occupied as a residence by the operator of the business.

(b) The use shall not detract from the residential character of the neighbourhood in terms of height, scale or exterior design.

(c) One additional parking space shall be provided for each guest room on the lot.

(d) The maximum number of guest rooms shall be six (6).

(e) At Council's discretion, a catered dining area, or other subsidiary use may be

permitted, provided the uses are clearly incidental and subsidiary to the bed and breakfast operation and the hours of operation are limited.

(f) Off-street parking for a catered dining facility shall provide one space for every three (3) persons that may be accommodated at one time.

(g) No wholesale sales or storage of goods shall be carried out and any retail sales shall be incidental to the approved use.

(h) On-site advertisements shall be non-illuminated, with a maximum sign face area of 0.2 m^2 and, shall meet all other requirements of Council in terms shape and construction material.

(i) The establishment must be registered by Canada Select and approved by the Provincial Department of Tourism, Culture and Recreation.

43. Archaeological Sites

(1) If an archaeological site or artefact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.

(2) Before approval is granted for a major development, such as a subdivision, or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments.

44. 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 Council and shall be maintained by the owner or occupier to the satisfaction of Council.

45. Building Line and Setbacks

(1) Council, by resolution, may establish building lines on an existing or proposed 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 Schedule C of these Regulations.

(2) The frontyard building line setback is measured from the front property line.

(3) Notwithstanding the minimum front, side and rear yard requirements set out under Schedule C, Council, at its discretion, may allow development to complement existing building setbacks of adjoining properties by varying the yard requirements after notification of the proposed variance is given to neighbouring property owners in accordance with Regulations 13 and 30 of these Regulations.

(4) The building line along Provincial highways shall not be less than that specified under the provincial Building Near Highways Regulation.

46. Multiple Uses on One Lot

(1) A multiple use occurs when two or more different use classes exist in a single building or on a single lot.

(2) Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.

(3) A multiple use may not be permitted where Council determines that the proposed use would not be compatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

47. Main Buildings on a Lot

(1) Except for a single dwelling, more than one main building may be permitted on a lot provided that the requirements of Schedule C are satisfied.

(2) Notwithstanding Paragraph (1), more than one single dwelling can be permitted on a single lot where that lot or dwelling forms part of a comprehensive development.

(3) Where more than one main building is developed on a single lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in Schedule C for the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

48. Comprehensive Development

Council, at its discretion, may permit a comprehensive development that does not meet the requirements of these Regulations with respect to access to and frontage on a public street as well as minimum lot size, frontage, frontyard, sideyard, and rearyard, provided that:

(a) It is satisfied that the site conditions are such that the standard requirements cannot be met, the quality of the development would be greater than would otherwise be achieved through conventional developments, or the development would be in the public interest with respect to providing housing for elderly, disabled, lower-income, and other residents whose needs and preferences cannot be easily accommodated by traditional single-unit dwellings.

(b) It has provided public notice of the proposed development in accordance with Regulation 30(1) (d) of these Regulations.

(c) A comprehensive development plan has been prepared and approved by Council,

(d) The comprehensive development itself has frontage on a public street,

(e) The development is compatible with adjacent development,

(f) The area of the comprehensive development is at least one (1) hectare, and

(g) There are no fewer than two developments within the comprehensive development.

49. Personal Care or Group Home

(1) A personal care or group home is permitted in a dwelling unit that is adequate in size to accommodate the number of persons living in the group, inclusive of staff.

(2) The use and appearance of the dwelling shall not materially differ from, or adversely affect, the amenities of the adjacent residences or neighbourhood.

(3) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

50. 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, wind generators, 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.

51. Minimum Distance Separations for Commercial Livestock Facilities

(1) No new livestock facility, planned to accommodate more than ten (10) animal units, shall be located closer than:

(a) 300 metres from a public building, commercial building, or a dwelling other than a commercial building or dwelling located on the same lot as the livestock operation,

(b) 300 metres from the boundary of any zone other than the Rural, Environmental Protection, and Watershed zones,

(b) 70 metres from the boundary of the property on which it is to be erected, and

(c) 90 metres from the centre line of a public street.

(2) Subsection (1) does not apply to the expansion, conversion, or replacement of a livestock or poultry facility existing on the registration date of this Municipal Plan as long as the expansion, conversion, replacement, or addition does not reduce the existing separation distance between the livestock facility and the subject dwelling, public building, commercial building, property boundary, or public street.

(3) No new public building, commercial building, or dwelling, except a dwelling or commercial building located on the same lot as the livestock operation, may be located within 300 metres of an existing livestock facility that accommodates more than ten (10) animal units.

(4) The construction of a new dwelling on a lot in existence on the date of the registration of this Municipal Plan, which cannot meet the required minimum distance separation, will be permitted where it meets all other provisions of this Municipal Plan and Development Regulations.

(5) In addition to the above requirements, new livestock facilities are subject to applicable Provincial acts and regulations.

52. Heritage Buildings and Sites

(1) The former CNR Railway Station building and property is designated as a heritage building and site by Council under the Urban and Rural Planning Act and

Municipalities Act.

(2) No development shall be allowed which could impair the quality of the building or site, or other buildings or sites which would be so designated or identified.

(3) Any development adjacent or within thirty (30) metres of these properties shall be reviewed by Council to ensure that there are no negative effects on these properties.

(4) Council may from time to time designate additional heritage sites and areas under the Urban and Rural Planning Act and Municipalities Act.

53. 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 frontyard, rearyard, sideyard, 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.

54. Lot Frontage

No residential, commercial or public building shall be erected on a lot that does not front directly onto a public street unless the subject lot forms part of a comprehensive development.

55. Mineral Exploration

(1) Council will not issue a permit for mineral exploration until all necessary permits and approvals have been obtained from the Departments of Natural Resources, Government Services, and Environment and Conservation, together with any other relevant Provincial agencies.

(2) Subject to the other provisions of the Development Regulations, mineral exploration which is not classed as development by virtue of appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to Council.

(3) Mineral exploration which is classed as development can be permitted in the Rural and Watershed zones provided that adequate provision is made for buffering and other mitigations of impacts on residential, commercial, industrial, institutional, recreational, and environmentally sensitive areas.

(4) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, and other impacts that may arise, as well as the duration of the exploration program. The precise nature of these controls will depend upon the location of the mineral exploration in relation to built-up and environmentally sensitive areas, such as water supply areas, watercourses, and wetlands.

(5) Where there is to be ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to Council.

56. Non-Conforming Uses (Refer to Section 108(2) of the *Urban and Rural Planning Act 2000* and Sections 14, 15, and 16 of the Ministerial Development Regulations)

(1) Notwithstanding the Municipal Plan, a scheme, or regulations made under the *Urban and Rural Planning Act 2000*, Council 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* of the plan, scheme or regulations made with respect to that kind of development or use.

(2) Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed one year after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:

(a) The building or use of land is clearly vacated or the building is demolished,

(b) The owner or tenant has ceased paying business taxes for that use, and

(c) The owner or tenant has stated in writing that the use has ceased.

(3) A non-conforming building, structure, or development under the *Act*, which is allowed to continue under Paragraph (1):

(a) Shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,

(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, except as provided for in Paragraph (h) below,

(d) May have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it,

(e) May have the existing building extended by Council where, in Council's opinion that extension is not more than 50% of the existing building,

(f) Where the non-conformance is with respect to the standards in these Regulations, shall not be expanded if the expansion would increase the non-conformity,

(g) Where the non-conformance is with respect to the standards included in these Regulations shall not be expanded if the expansion would increase the non-conformity;

(h) where the building, structure, or development 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, and

(i) A residential building or structure referred to in Paragraph (h) must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

(4) In accordance with Regulation 30 of these Regulations, when considering an application to vary an existing use of a non-conforming building, structure or development under Paragraph (3) (d), Council will, at the applicant's expense, publish a notice in a newspaper circulating in the area of the application and shall consider any representations or objections received in response to that advertisement.

57. 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 Council and any other authority having jurisdiction.

58. Offstreet Parking Requirements

(1) In accordance with Schedule D, 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 on-street parking of vehicles associated with that building, structure or use.

(2) Council can vary the off-street parking requirements outlined in Schedule D for non-residential properties if it is concerned that the required size of a particular parking area will generate excessive stormwater and if it deems that the required parking space is more than is necessary for normal parking demand.

59. Offstreet 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 loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 metres long, 4 metres wide, and having a vertical clearance of at least 4 metres with direct access to a street or with access by a driveway of a minimum width of 6 metres to a street.

(2) The number of loading spaces to be provided shall be determined by Council.

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

60. Parks, Playgrounds, and Open Spaces

(1) Nothing in these Regulations shall prevent the designation of land for the establishment of parks, playgrounds, and open spaces in any zones provided that such land is not located in areas that may be hazardous to their use or is an area that is not compatible for such a use.

(2) Parks and playgrounds may be located on backland but shall have at least one 5-metre wide vehicular access directly onto a public street.

(3) In accordance with Regulation 36 Council may require parks, playgrounds, and open spaces to incorporate design standards to facilitate the access and mobility needs of disabled and elderly persons.

61. Trail Corridors

(1) As a condition of an approval in principle or a development permit Council can require that a trail or active transportation corridor be deeded to Council or a non-profit group approved by Council.

(2) Wherever space and terrain characteristics allow, the appearance and use of existing and new trails will be protected by natural buffers to separate the trail from other forms of development, hazardous areas, and areas subject to erosion such as the banks of rivers and streams.

(3) The minimum width of a trail corridor, including the buffer area, will be 30 metres or approximately 15 metres on either side of the centre line of the trail. However, the width of a trail corridor may be reduced where:

(a) The area adjacent the trail is already developed, as along portions of the T'Railway and Bonavista Track, and

(b) Council deems that the corridor can be narrower due to space limitations, site conditions, ownership, or other pertinent factors, in which case the trail corridor may be reduced to 15 metres.

(4) In accordance with Regulation 36 Council may require trails and associated facilities to incorporate design standards to facilitate the access and mobility needs of disabled and elderly persons.

(5) For a trail to be eligible for protection it must be delineated on the Land Use Zoning maps, approved as a designated trail corridor by a resolution of Council, or included as a part of a subdivision or development plan that is approved by Council.

(6) The proposed designation of any new trail corridor, which is not already shown on the Land Use Zoning maps or does not form a part of an separately approved subdivision or development plan, will not be approved by Council until it has been advertised in accordance with the provisions of Regulation 30 and an opportunity has been provided for the public to comment on the proposal.

(7) Within the trail corridor, only accessory recreational uses, public utilities, and streets can be allowed.

62. Screening and Landscaping

(1) Council 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.

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

63. Services and Public Utilities

Council can 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, construction, landscaping, and operation of the service or utility, in the opinion of Council, will adequate to protect the environment, character, and appearance of the area.

64. Energy Generation Facilities

(1) Wind, solar and small hydro generating facilities and associated facilities and services are subject to the conditions set out below.

(2) Energy utilities are subject to the approval of relevant provincial and federal departments, agencies, and public utilities, including the Mines and Energy Division of the Department of Natural Resources and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment, and archaeological resources, along with other matters that Council may deem to be significant.

(3) A wind, solar, or small hydro generator within a built-up residential area will be limited to a single unit that serves an individual property.

(4) An adequate separation distance will be maintained between wind generators and nearby buildings and structures to prevent damage to persons and properties due to a failure of a generator or any of its components or the shedding of ice.

(5) Unless specifically exempted by Council or other relevant agencies, the design, construction and location of an energy utility shall be certified by a professional engineer who has consulted with the required agencies.

65. Service Stations and other Petroleum Dispensing Facilities

The following requirements shall apply to all proposed service stations and other petroleum dispensing facilities:

(a) all petroleum pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side, except in the case of propane, diesel, and kerosene pumps, which may access from one side,

(b) Pump islands shall be set back not less than four (4) metres from the front lot line,

(c) Accesses to the lot shall be not be less than 7 metres wide and shall be clearly marked,

(d) Where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines shall be 10 metres,

(e) Surface runoff shall be directed to a oil/water separator before being discharged into a storm sewer or other drainage system, and

(f) All provincial and other regulatory requirements must be met.

66. Site Development Requirements

The following requirements will apply to all proposed site developments involving new street construction or large sites for commercial or other development.

(a) Council shall consider the suitability of the site in terms of steepness of grades, soils and geology, and environmentally sensitive areas, including watercourses, wetlands, and coastal shorelines when reviewing a development application.

(b) Council shall ensure that the proposed development will not be unsuitable by reason of resulting in pollution, erosion, sedimentation of watercourses, other environmental damage, or aesthetic degradation of the site or surrounding area.

(c) No development of land, building, or structure will be permitted on a site where it otherwise would be permitted under these development regulations when, in the opinion of Council, the site is marshy, geologically unstable, excessively steep, or otherwise unsuitable for a proposed purpose by virtue of its soil or topography.

(d) Before approving development of a site having a slope greater than fifteen (15) percent up to twenty-five (25) percent, Council will require the submission of a review of the development proposal by a certified planner, engineer, landscape architect, or similar professional. The review shall evaluate the site's soil and

geological stability, the adequacy of proposed site grading, drainage, vegetation removal, and landscaping, the potential of the development to cause stormwater runoff, erosion, and pollution affecting adjacent properties, wetlands, and water bodies, and similar matters.

(e) No buildings, structures, or placement or removal of fill will be permitted:

(i) On slopes that exceed twenty-five percent (25%) over a height of four (4) or more metres and a length of twenty-five (25) or more metres.

(ii) Within eight (8) metres of the top or bottom of slopes that exceed twenty-five percent (25%) over a height of four (4) or more metres

(f) The clearing of trees and the excavation and filling-in of land to prepare a site for development will be limited to an extent that is deemed by Council to be environmentally and aesthetically acceptable and no more than necessary to suitably develop the site.

(g) A development application will provide sufficient information to show the extent of any proposed clearing, excavation, or filling-in of the site.

(h) An approval in principle or a permit to develop will not be granted when in Council's opinion the proposed clearing, excavation, filling-in of land, or other site development will result in unacceptable stormwater, environmental, or aesthetic impacts, or will be more than is necessary to suitably develop the site.

67. Street Construction Standards

A new street may not be constructed except in accordance with the design and construction specifications set by Council.

68. Development Within or Adjacent to a Watercourse or Wetland

(1) With the exception of areas where the boundaries of the Environmental Protection zone are less than 30 metres from a watercourse or a wetland, all portions of a lot that are located within 30 metres of the top of the bank of a watercourse or the edge of a wetland will be subject to the following:

(a) No building or structure will be permitted, except for:

(i) maintenance or reconstruction of a building that was in existence on the date of approval of this Municipal Plan

(ii) a passive recreational use

(iii) a floating dock secured to the land, and

(iv) an accessory building or other accessory use to an existing building.

(b) In any ten (10) year period, tree removal shall be limited to a maximum of thirty percent (30%) of the number of trees on the portion of any lot located within the 30-metre buffer area,

(c) Any excavation or filling-in of land, or other altering of the landscape, will be limited to a maximum of ten percent (10%) of the portion of the lot located within the 30-metre buffer area,

(d) In addition to this regulation, development will be subject to relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives, which are set out in the appendix to these regulations:

(i) W.R. 91-1 – Infilling of Water,
(ii) W.R. 96-1 – Floodplain Management,
(iii) W.R. 97-1 - Development in Shore Water Zones, and
(iv) W.R. 97-2 - Development in Wetlands

Where there is a conflict between this Regulation and these Policy Directives and other relevant statutes, the more restrictive standards shall apply.

(2) Council can require a proposed development within a watercourse or wetland buffer area to be subject to an environmental review, and may approve, approve subject to conditions, or refuse such development.

(3) Before Council will approve development, use, or alteration of a watercourse, wetland, estuary, or marine water body, the development, use, or alteration must be approved or exempted by:

(i) Department of Environment and Conservation, Water Resources Division
(ii) Department of Natural Resources, Lands Division
(iii) Coast Guard Canada - *Navigable Waters Act*,
(iv) Fisheries and Oceans Canada, Fish Habitat Management Division – *Fisheries Act*,
(v) Environment Canada – *Migratory Birds* Act, and
(vi) any other provincial and federal agency having jurisdiction.

(4) Development within a wetland is permitted only in such a way as to minimize adverse impacts on the hydrology, water quality, flora, fauna, and other important environment resources for which there may be concern.

(5) If a watercourse or wetland is deemed to be minor (see below), such watercourses and wetlands shall remain undeveloped and protected by a buffer wherever possible. If Council, at its discretion, permits a development that will affect a minor watercourse or wetland, alternatives to covering over or eliminating such

watercourses and wetlands shall be taken wherever possible, including redesign of the development and relocation of the watercourse or wetland.

(a) A **minor watercourse** is defined as a drainage course that carries water only during rain events or snowmelt, an intermittent stream that does not carry significant spring runoff, and a stream that is not fish habitat.

(b) A **minor wetland** is defined as a wetland of less than 5,000 square metres in area that is not associated with a watercourse and is not deemed to be an environmentally sensitive area.

69. Stormwater Management and Control

(1) Site development and the erection of buildings and structures will not be permitted, or will be subject to special conditions, on any site where it would otherwise be permitted under these Regulations, when in the opinion of Council, the development will create or aggravate significant stormwater impacts, for example, excessive runoff onto adjacent properties, soil erosion, scouring and siltation of streams, or reduction of surface or groundwater quality.

(2) The grading of land, excavation of ditches, and erection of buildings or structures will not be undertaken in a manner that significantly increases stormwater runoff onto adjacent properties or into nearby watercourses.

(3) Council will require developments to incorporate measures to reduce and manage stormwater runoff. Such measures may include, but will not be limited to:

(a) Dispersing runoff to multiple locations within or near the development site.

(b) Setting aside undisturbed areas of natural forest and other vegetation to receive drainage and facilitate infiltration.

(c) Maintaining vegetated buffers along natural and artificial drainage channels.

(d) Installing grass swales for local drainage.

(e) Planting grass and shrubs on exposed gravel surfaces as soon as possible after construction.

(f) Limiting the clearing of lots during site development to allow maximum flexibility for homeowners to maintain natural trees and vegetation when developing and landscaping their lots.

(g) Reducing impervious surfaces along steep slopes and in other vulnerable areas to high runoff, for example, by varying standards for paved street surfaces, sidewalks, and parking areas.

(4) Development plans for subdivisions and other large developments will include stormwater management plans, which will be evaluated by Council to determine if adequate measures have been proposed to reduce stormwater runoff from the site. Development approvals can be contingent on how well the management plan meets Council's objectives for stormwater reduction.

70. Line of Vision at Intersections

So as to not obstruct the view of motorists and pedestrians,

(a) All occupied lands within 7 metres of a street intersection shall be kept free of any shrubs, plants, and trees that will impede the line of vision clear for motorists and pedestrians, and

(b) No building or structure shall be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7 metres of a street intersection.

71. Development in the Vicinity of a Public Right-of-Way

(1) Land development and the erection of buildings and structures will not be permitted on any site where it would otherwise be permitted under these development regulations, when in the opinion of Council, the development would impede public passage on a public right-of-way or interfere with any legal right of Council to develop or improve the right-of-way for public access and recreation.

(2) Council may require a minimum setback or set other terms and conditions to a proposed development in the vicinity of a public right-of-way to ensure the development will not obstruct public passage along the right-of-way.

PART III – ADVERTISEMENTS

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

72. Advertisements and Signs

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

(2) Form of Application
Application for a permit to erect or display an advertisement shall be made to Council in accordance with Regulation 18.

(3) Advertisements in Street Reservation
No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation unless it is a premises sign (advertisement relating to onsite uses) and unless this sign has been approved by Council and where necessary, the Department of Government Services.

(4) Permit Valid for Limited Period
A permit granted under these Regulations for the erection or display an advertisement shall be for a limited period, not exceeding two years, but may be renewed at the discretion of Council for similar periods.

(5) Advertisements, Non-Compliant
Except where an advertisement is deemed to fall under one of the categories described under Paragraph (6) of this Regulation, an advertisement presently not in compliance with the Regulations shall be removed or brought into compliance within one year of the date of written notification by Council.

(6) Removal of Advertisements
Notwithstanding the provisions of these Regulations, Council may require the removal of any advertisement which, in its opinion, is:

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

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

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

(8) Prohibition
A sign shall not be erected, posted or placed:

(a) Where, in the opinion of Council, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;

(b) Where, in the opinion of Council that signs would be detrimental to the amenities of surrounding areas or length of highway or road;

(c) Where that sign is not maintained to the satisfaction of Council;

(d) Within or over a highway or street intersection unless otherwise approved by Council for municipal streets, or by the Department of Transportation and Works for roads under Provincial jurisdiction;

(e) With the exception of premises advertisements, within 300 metres, or a distance specified by the Department Transportation and Works or Council, of the intersection of two or more highways or streets, or from the crossing of a public street; and

(g) On a sign erected by the Department Transportation and Works.

(9) Signs or Advertisements Not Specifically Covered
If an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, subject to the other applicable requirements of these Regulations, Council may approve, approve with conditions, or refuse to approve the sign or advertisement.

73. Advertisements - Designated Areas, Standards and Excluded Areas
Council may:

(a) Designate areas for advertisements and other signage, and determine their location and type, and

(b) Exclude other areas from advertisements and other signage.

In order for these requirements to take effect, the designated areas and the standards for advertisement and signage design, along with the prohibited areas shall be specified in these Regulations.

74. Advertisements Exempt from Control

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

(a) A posting of a candidate in a federal, provincial or municipal election or a regional school board election,

(b) A temporary sign relating to federal, provincial or municipal public works,

(c) A notice required by law to be posted,

(d) A regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Works,

(e) A sign placed by a telephone, telegraph or electric power company to indicate danger,

(f) A sign, not exceeding 0.5 square metres, advertising the sale or rental of a building or lot upon which the sign is located,

(g) A flag, emblem or insignia of a nation, country or province,

(h) One temporary sign related to building construction located on a site on which the work is being carried out,

(i) On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area,

(j) On an agricultural holding or farm, a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land,

(k) On land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land,

(l) On land used for mining or quarrying operations, a notice board not exceeding 1 metre² in area relating to the operation conducted on the land,

(m) On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a business carried on in the premises,

(n) On any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board placed no closer than 3 metres from a street line,

(o) On the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser,

(p) On any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot, and

(q) A sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

75. Temporary and Portable Signs

(1) A temporary and/or portable sign may be permitted in any zone for a period not exceeding 45 consecutive days, or 75 days at Council's discretion where purpose of the sign is to promote a not-for-profit initiative, provided the sign:

(a) Does not exceed 5 m^2 in area;

(b) Does not create or aggravate a traffic hazard, such as by blocking a sight-line;

(c) Does not interfere with other lawful signs, including directional signs;

(d) Is of location, materials, design and colour in keeping with the character and appearance of the area;

(e) If necessary, is approved by the Department of Government Services, together with Council.

(2) A renewal permit for a temporary sign may only be issued after 30 days have passed since the original permit has expired.

(3) A free standing temporary or portable sign affixed to the ground by legs shall be

properly anchored to the ground in a manner that is sound and attractive.

(4) If it is not exempted from these Regulations, with the written permission of Newfoundland Power, or the owner if not Newfoundland Power, a sign may be permitted on a utility pole.

76. Advertisements and Signs near Highways

Pursuant to Newfoundland and Labrador Regulation 85/99 as amended, the Provincial Government has designated "control lines" alongside each provincially maintained route. These lines extend 400 metres from the highway centrelines, except that the control area is reduced within Municipal Boundaries to 100 metres from the centreline of a provincial highway.

Advertisements and signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Government Services office serving the area.

77. Advertisements Relating to On-Site Uses

This section deals with signage relating to on site uses - that is, uses located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

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 a use zone shall be as set out below.

(1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard for the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.

(2) The maximum allowable size of the advertisement shall be determined in accordance with Paragraph (1) and in consideration of the size of the premise or premises being advertised. For example, a sign for a large shopping centre would necessarily be of a different scale than one for a convenience store.

(3) Only one free standing advertisement per entrance or exit shall be permitted in the front of a multi-use building, strip mall, shopping centre and similar facilities containing more than one premise. However, one additional sign shall be

permitted in the front of a building if it is a free-standing temporary sign as set out under Regulation 75.

(4) Where an advertisement is attached to the roof of a building and protrudes above the roof, then it shall be included in the calculation of the height of the building.

78. Advertisements Relating to Off-Site Uses

This Regulation deals with signage relating to off-site site uses – that is, uses not located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

(1) Except as noted in Paragraph (2), the conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in a zone, or not relating to a specific land use, shall be as set out below.

(a) The advertisement shall not exceed 3 m^2 in area, except along the Trans Canada Highway where a sign is subject to the approval of the Department of Government Services.

(b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.

(c) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

(d) Notwithstanding the size restriction contained in Paragraph (1) a) of this Regulation, in the rear of properties located along Manitoba Drive, one or more off-site advertisements can be erected provided they:
(i) do not front on a publicly maintained road;
(ii) are not readily visible from a publicly maintained road;
(iii) do not extend more than 5% in either direction of the width of the principal building on the site - for example if the building is 10 m wide the sign can only extend 0.5 m beyond the building in either direction;
(iv) do not exceed the height of adjacent and nearby buildings;

(v) do not exceed 99.5 m^2 in area and where they exceed 3 m^2 in area, they may only be permitted at the discretion of Council;

(vi) are aesthetically pleasing and, where applicable, both sides of the signs are uniform in appearance.

(2) The size restrictions of Paragraphs (1) (a) and (1) (b) of this Regulation are waived where:

(a) Council has erected or permitted to be erected an advertisement related to a civic or improvement or other public purpose;

(b) Council deems the advertisement to be a landmark, and/or is of unusual civic importance and merit.

PART IV - SUBDIVISION OF LAND

79. Application of Part IV

Part IV of these regulations applies each of the following:

(a) The subdivision of land under single ownership into two or more lots, including the residual lot,

(b) Construction, upgrading, or extension of a public street, and

(c) Extension or upgrading of the municipal water and sewer system.

80. Permit Required

No land in the Planning Area shall be subdivided into two or more lots unless a permit for the development of the subdivision is first obtained from Council.

81. Services to be Provided

(1) No permit shall be issued for the development of a subdivision unless provisions satisfactory to Council have been made for a supply of drinking water, a properly designed sewage disposal system, and an approved stormwater management system.

(2) No permit shall be issued for a development located within the built-up are of Clarenville unless provision acceptable to Council has been made to connect the development to municipal piped services at the expense of the developer. The installation, construction materials, system design, and other requirements must meet the standards and approval of Council.

82. 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 Council 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 these Regulations.

83. Permit Subject to Considerations

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

(a) The location of the land,

(b) The availability of and the demand created for municipal infrastructure, municipal 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) Geology and soil characteristics,

(h) The topography and drainage characteristics of the site,

(i) Natural features such as watercourses, coastal shorelines, trees and shrubs,

(j) Prevailing winds,

(k) Visual quality and effect on viewscapes from existing subdivisions,

(l) Schools and community facilities,

(m) Energy conservation,

(n) Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and control, coastal resources, and loss or fragmentation of habitat,

(o) Municipal financial costs related to the provision and maintenance of streets, water, sewer, other infrastructure, and municipal services,

(p) Effects on the sustainability of important resource lands, including water supply areas, agricultural land, forestland, and aggregate resources, and

(q) Such other matters as may affect the proposed development.

84. Subdivision Application Requirements

For every subdivision of land involving the construction of a new street or extension of an existing street, an application and development plan must be submitted to Council. The general requirements of a subdivision development plan are provided below. In addition, Council may stipulate specific requirements that are pertinent to a particular area.

(a) An inventory of the site's natural characteristics, including, but not necessarily limited to, topography, natural drainage, soils, forest cover, wetlands, watercourses, and the existence of any sensitive areas or habitat.

(b) Proposed street and lot layout and linkages to existing or proposed streets

(c) Proposed land uses within the area.

(d) Provision for access to adjacent undeveloped areas.

(e) Proposed open space to be reserved for public use.

(f) Proposed natural conservation areas to be used for stormwater drainage control or other environmental protection needs.

(e) Proposed buffers, screening, or other measures to ensure compatibility with surrounding land uses.

(f) Proposed phasing plan that describes the size and location of each stage in which the development of streets and lots will proceed.

85. Phasing of Residential Subdivisions

(1) No single phase of a residential subdivision development will be permitted to include more than fifty (50) lots unless otherwise authorized by Council.

(2) No subsequent phase of a residential subdivision development will be issued a permit to proceed until the preceding phase has been completed to Council's satisfaction.

86. Building Permits Required

Notwithstanding the approval of a subdivision by Council, 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.

87. Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with Regulation 18.

88. Subdivision Subject to Zoning

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

89. Land for Public Purposes

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

(a) Where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated,

(b) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion is incapable of development for any purpose or is located in a zone, sensitive area, or other area where development would not be permitted,

(c) Council 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,

(d) Money received by Council in accordance with Paragraph (1) (d) shall be reserved by Council for the purpose of the acquisition or development of land for public purposes.

(2) Land dedicated for public use in accordance with this Regulation shall be conveyed to Council and may be sold or leased by Council 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) Any land that is zoned or otherwise required to be set aside and remain undeveloped for environmental protection, stormwater management, or similar purposes will not constitute the requirement of land for public use under Paragraph (1) unless otherwise decided by Council.

90. Structure in Street Reservation

The placing within any street reservation of any structure (for example, a hydro or telephone pole, fire hydrant, mail box, school bus shelter, sign post) shall not be approved by Council unless or until it is satisfied on the question of safe construction and relationship to other buildings or other structures within the street reservation and the relationship to safe movement of vehicles and pedestrians.

91. Subdivision Design Standards

Except as otherwise specified in a Subdivision Policy adopted by Council, no permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

(a) The finished grade of streets shall not exceed 10 percent.

(b) The development of cul de sacs will not be permitted except:
  (i) on sites where there is no reasonable alternative to achieve efficient development of land, and
  (ii) on sites where a cul de sac would be preferable from an environmental protection standpoint.

(c) In cases where Council does permit the development of a cul de sac, it will be subject to the following:

  (i) the turning circle of a cul de sac will have a driving surface diameter of not less than 30 metres.

  (ii) the maximum length of a cul de sac will be 250 metres.

  (iii) no cul de sac shall be located so as to appear to terminate a collector street.

  (iv) all cul de sac water mains will be connected to a water main on an adjoining street or will be looped back to ensure continuous water flow and prevent stagnant water at the end of dead-end pipes.

(d) New subdivisions shall have street connections with an existing street or streets.

(e) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.

(f) No street intersection shall be closer than 60 metres to any other street intersection.

(g) No more than four streets shall join at any street intersection.

(h) No residential street block shall be longer than 490 m between street intersections.

(i) Streets will be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Walkway Width and Design	Walkway Number
Arterial Streets	30 m	15 m	Discretion of Council	Discretion of Council
Major Collector Streets	25 m (can be varied to no less than 20 m at the discretion of Council)	10 m or discretion of Council	Discretion of Council	Discretion of Council
Minor Collector Streets	15 m	9 m or discretion of Council	Discretion of Council	Discretion of Council
Local Streets	15 m (can be varied to no less than 12.2 m at the discretion of Council)	7.3 m	Discretion of Council	Discretion of Council
Service Streets	15 m (can be varied to no less than 12.2 m at the discretion of Council)	7.3 m	Discretion of Council	Discretion of Council

(j) No lot intended for residential purposes shall have a depth exceeding four times the frontage.

(k) No residential lot will be permitted that abuts a street at both front and rear lot lines.

(l) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.

(m) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

92. 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 Council to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.

(2) Upon approval by Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

93. Developer to Pay Engineer's Fees and Charges

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

94. Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by Council as being necessary, may, at Council's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with Council 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, Council 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 Council the amount of the excess. If the contract price is less than the deposit, Council shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with Council 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.

95. Transfer of Streets and Utilities to Council

(1) The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to Council, at no cost to Council, 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 Council 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 a storm drainage systems installed in the subdivision that are normally owned and operated by Council.

(2) Before Council 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) Council 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 Council.

96. 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 Council is satisfied that:

(a) The lot can be hooked into the municipal water supply and sewage systems, and

(b) Satisfactory access to a street is provided for the lots.

97. 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 Council, shall not be changed without written application to and subsequent approval of Council.

PART V - USE ZONES

98. Use Zones

(1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.

(2) Subject to Paragraph (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, Council may in its discretion, determine the standards, requirements and conditions which shall apply.

99. Map Interpretation

(1) The boundaries of the Use Zones shown on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No zoning amendment shall be required to allow minor adjustments of the Use Zone boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.

(2) Where there is uncertainty regarding the existence of a watercourse identified on the zoning map as occurring within the Environmental Protection zone, this will be confirmed in the field. If it is determined that the watercourse does not exist, the area in question will be treated as if it is occurring within a surrounding zone.

100. 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 Council in accordance with the classification and examples set out in Schedule B.

101. 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 Council in that Use Zone.

102. 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 Council 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 Council has given notice of the application in accordance with Regulation 30 and has considered any objections or representations which may have been received on the matter.

103. 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.

104. Similar Uses to Permitted or Discretionary Uses

Notwithstanding Regulation 103, Council may permit, subject to such terms and conditions as it considers fit, a proposed use of land or a building that does not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables in Schedule C if, in its opinion, the proposed use is sufficiently similar to a permitted or discretionary use in that Use Zone, and only if it has given notice of the application in accordance with Regulation 30 and has considered any objections or representations which may have been received on the matter.

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2010

SCHEDULE A

DEFINITIONS

SCHEDULE A – DEFINITIONS

GENERAL NOTE:
A definition marked with an asterisk is also included in the Ministerial Development Regulations. Where there is a conflict, the Ministerial Development Regulations prevail.

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

***ACCESSORY BUILDING** includes:

(i) A detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory which has a use that is customarily incidental or complementary to the main use of the building or land,

(ii) In the case of a residential use, a domestic garage, carport, ramp, shed, swimming pool, greenhouse, cold frame, fuel shed, vegetable storage cellar, shelter for domestic pets, or radio or television antennae,

(iii) In the case of a commercial use, an office, workshop, storage building, or garage, and

(iv) In the case of an industrial use, a garage, office, workshop, storage building, raised ramp, or dock.

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

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

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

AGRICULTURE means an agricultural operation that is carried on personal use, or for commercial gain or reward or in the hope or expectation of gain or reward, and includes:

(a) the clearing, draining, irrigating or cultivation of land,
(b) the raising of livestock, including poultry,
(c) the raising of fur-bearing animals,
(d) the raising of bees,
(e) the production of agricultural field crops,
(f) the production of fruit and vegetables and other specialty horticultural crops,
(g) the production of eggs and milk,
(h) the operation of agricultural machinery and equipment, including irrigation pumps,
(i) storage, use or disposal of organic wastes for farm purposes,

(j) the preparation of a farm product for distribution from the farm gate, including cleaning, grading and packaging,
(k) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
(l) the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation, or
(m) any other agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward;

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

ANIMAL UNIT means any one of the following animals or groups of animals:
(a) 1 horse, cow, steer, bull, mule, donkey, bison, buffalo, pig, fox, or mink including offspring until weaning
(b) 3 llama or alpaca including offspring until weaning
(c) 6 sheep or goats including offspring until weaning
(d) 10 ostriches, emus or fur bearing animals, excluding fox or mink, including offspring until weaning
(e) 20 hens, chickens, turkeys, ducks or geese, or
(f) 100 chicks.

ANTENNA means a television, radio, or communications transmitting or receiving mast.

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

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

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

AQUACULTURE USE means any land used for the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use, but does not include the cultivation of aquatic plants and animals in a laboratory for experimental purposes or in an aquarium.

ARTERIAL STREET means a street in the Planning Area constituting a main traffic artery in the town and identified as arterial street or highway in the Municipal Plan or on the Zoning Map.

AUTO BODY SHOP means a building or premises used for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity.

BACK LOT means a residential building lot that is separated from the street by one or more existing residential lots and is accessible by a narrow strip of land leading from the street.

BED AND BREAKFAST means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to six (6) guest rooms of paid temporary accommodation for tourists and other travellers. The establishment may include a self-serving dinning area for the use by overnight guests. Catered dining may be considered on a limited-use basis. Other uses that may be considered under this definition include hospitality home, cottage and inn. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.

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

BOARDING AND RIDING STABLE means s building, structure, or premises used for the housing, feeding, exercising, and riding of horses for personal use or financial gain.

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

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

(i) the highest point of the roof surface of a flat roof,
(ii) the deck line of a mansard roof, and
(iii) the mean height level between eave and ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof.

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

CAMPGROUND means an area of land, managed as a unit, for the accommodation of any combination of three (3) or more tents, recreational vehicles, or travel trailers used on a short term or seasonal basis, and where the accessory uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational facility.

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

COASTAL FEATURE means land adjoining or near the ocean that forms part of the coastal environment, including an inter-tidal area, beach, beach bank, dune, coastal marsh, ocean or coastal cliff, rock platform, and rock crevice.

COLLECTOR STREET means a street that links local streets with arterial streets or other collector streets, and which is designated as a collector street in the Municipal Plan or on the Zoning Map.

COMPREHENSIVE DEVELOPMENT means an integrated development on a suitable, large site that responds to a unique market opportunity and involves special development standards not otherwise permitted in the zone. A comprehensive development may allow for a mix of different housing types and densities, and innovations such as cluster layouts and zero lot line housing, and privately owned and maintained streets and infrastructure.

CONSERVATION means a use of land that serves to protect, maintain, or improve an environmental resource or feature.

CONSTRUCTION YARD means an area used for the storage of construction materials, supplies, equipment, tools, stockpiles of construction materials, and other items including temporary storage containers, construction trailers, and temporary office trailers;

CONTINUOUS WATERCOURSE means a stream, river, lake, or estuary, which flows for all of the year.

CONVENIENCE STORE means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area.

COUNCIL means the Council of the Town of Clarenville having jurisdiction of the Clarenville Municipal Plan and Development Regulations.

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

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

(i) the making of an access onto a highway, road or way,
(ii) the construction of a building,
(iii) the erection of an advertisement or sign, and
(iv) 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 excludes:

(i) 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,

(ii) 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,

(iii) 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, and

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

***DEVELOPMENT REGULATIONS** means these regulations and regulations and by-laws respecting development that have been enacted by Council.

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

DISTANCE means the shortest separation, measured on a horizontal plane, between a lot line, street line, top of a the bank of a watercourse, coastal feature, or other point specified in these Regulations and the nearest part of a building, structure, excavation, or other use of land.

DOMESTIC ANIMAL means a dog, cat, bird, hamster, gerbil, guinea pig, fish, rabbit, or other similar small animal kept solely for the personal enjoyment and/or companionship of the resident of a property.

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

DRAINAGE means the removal of surface or subsurface water by a channel, open ditch, grassed waterway, or conservation structure.

DRIVEWAY means a vehicular passageway having at least one end thereof connected to a public street and providing ingress to and/or egress from a lot;

DRINKING ESTABLISHMENT means a commercial operation, assembly hall, club, or lounge in which the sale and consumption of liquor is licensed under the *Liquor Control Act*, and in which meals and food may be served for consumption on the premise and entertainment may be provided.

DWELLING means a main building or portion thereof, which contains one or more dwelling units.

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

ENGINEER means a professionally certified engineer who is employed or retained by Council

or is employed or retained by a developer in relation to a development that requires Council approval.

ENVIRONMENTALLY SENSITIVE AREA means an area that is easily disrupted by human activity, and may include steep slopes, cliffs, watercourses, wetlands, riparian areas, springs, coastal features, wet and unstable soils, unstable geology, and vulnerable or threatened flora or fauna.

***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 q elevation of the finished grade of the ground immediately surrounding the structure exclusive of any artificial embankment or entrenchment.

EXCAVATION OF LAND means the extraction or mining of soil, gravel, or bedrock material to prepare a site for development or to sell for off-site use.

FAMILY AND GROUP CARE CENTRE means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities referred to as "group homes", "halfway houses", and "foster homes".

FILLING-IN OF LAND means the depositing of soil, gravel, or bedrock material to prepare a site for development.

FISHERIES FACILITY means an onshore facility located next to or in the vicinity of coastal waters for a purpose related to commercial fishing or fish processing.

FLOOD RISK AREA means an area usually consisting of lowlands, adjoining the channel of a watercourse or estuary, which may be covered by floodwater during a 1:20 or a 1:100 year flood.

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

FORESTRY means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the cutting of fuelwood, pulpwood, sawlogs, Christmas trees, and other products.

***FRONTAGE** means the horizontal distance between side lot lines measured at the building line, or in the case of a lot on the turning circle of a cul de sac, the horizontal distance measured at the building line.

FRONTYARD means the distance between the "building line" as defined in these regulations and the front street line of a lot.

FUTURE STREET means a portion of land delineated on a development plan as a "Future Street", which is to be used as a street at some date in the future and which the title of the land will be vested with Council upon the completion of the development.

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

GARDEN CENTRE means the use of land, buildings, or structures or part thereof for the purpose of buying or selling plants and garden equipment, furnishings, and supplies.

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

GENERAL INDUSTRY means the use of land or buildings to store, assemble, alter, repair, manufacture, fabricate, pack, can, prepare, break up, demolish, or treat any article, commodity or substance. "Industry" shall be construed accordingly.

GENERAL SERVICE means an outlet for servicing, repairing, installing, or renting things and equipment, without limiting the generality of the foregoing, includes the following examples:

(a) radio, television, and computer service and repair shops
(b) locksmith shops
(c) small appliance service or repair shops
(d) household and carpenter tool service or repair shops
(e) tools and equipment rental shops;

GRADE – See "ESTABLISHED GRADE".

GREENHOUSE means a building whose roof and sides are made largely of glass or other transparent or translucent material for the cultivation of plants for subsequent sale, transplanting, or personal use.

GROUNDWATER means any flowing or standing water below the surface of the earth;

GROUP HOME – See "FAMILY AND GROUP CARE CENTRE".

HABITAT means an area where plants, animals, and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific habitats of concern may include areas where species (i.e. geese, ducks, salmon) concentrate at a vulnerable point in their life cycle or annual migration.

HAZARD LAND means land that poses a hazard or constraint to development such as wetlands, organic soils, steep slopes, flood plains, contaminated soils, and exposed bedrock.

HAZARDOUS INDUSTRY means the use of land or buildings for industrial purposes involving the use of materials or processes that because of their inherent characteristics constitute a special hazard by reason of fire, explosion, radiation, pollution, noxiousness, risk to human health, or other hazard.

HAZARDOUS USE means the use of land or buildings for any purpose that constitutes a special hazard by reason of fire, explosion, radiation, pollution, noxiousness, risk to human health, or other hazard.

HEIGHT – See "BUILDING HEIGHT".

HOME OCCUPATION means a secondary use of a dwelling by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

HOTEL means a commercial establishment that consists of a building with three or more attached sleeping units grouped under one roof designed to accommodate the traveling public, which may or may not have restaurant, retail, and personal services.

INFILL DEVELOPMENT means development or redevelopment occurring on an infill lot.

INFILL LOT means a vacant lot that remains, or is subdivided from another lot, following completion of the initial development of an area.

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

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

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

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

INTERMITTENT WATERCOURSE means a watercourse that flows for only a part of the year, such as during snowmelt, spring runoff, rainstorms, and wet periods.

KEEPING OF LIVESTOCK means the raising, feeding, care and use of livestock.

KENNEL means land and buildings where five (5) or more dogs over the age of six months are boarded, bred, trained, or cared for, and does not include a veterinary clinic.

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.

LAND EXTENSIVE RECREATIONAL USE means a recreational facility that requires a large land base to operate, and without limiting then generality of the foregoing, may include a

golf course, a ski operation, a rifle range, a moto-cross track, an automotive racetrack, go-cart track, or similar facility;

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

LIVESTOCK means any species of poultry, cattle, sheep, swine, goats, llamas, horses, or other animals that are normally kept and raised on farms and used or intended for use as food or food related purposes, for riding (e.g. horses), or for improving animal nutrition, breeding or management for profit, personal use, or otherwise, and does not include a domestic animal as defined in these regulations.

LIVESTOCK FACILITY means a building or confined area used or intended to be used to house or confine livestock, and includes a structure or area used or intended to be used to store manure.

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

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

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

LOT, CORNER means a lot having two or more sides fronting onto two or more adjacent streets.

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

LOT LINE means a common boundary between a lot and an abutting lot or street.

MAIN BUILDING means the building or buildings in which the primary use(s) of a lot on which the building is located is conducted.

MAIN USE(S) means the primary purpose(s) for which a building, other structure or lot is designed, arranged, or intended, or for which a lot may be used under this regulation.

MANUFACTURING means the use of land, building, or structures for the purpose of manufacturing, assembly, making, preparing, processing, finishing, treating, altering, repairing, warehousing, storing or adapting for sale of any good, substance, article, or thing.

MARINA means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, storage, sales, rentals, refuelling, and other services that are typically available for boats and other watercraft, and may include a club house and catering facilities. It can also include an associated boat-house or shed.

MARINE FACILITY means a wharf or onshore facility located in the vicinity of coastal waters for a purpose related to marine transportation, ship repair, refuelling, and other marine services.

MEDICAL CLINIC means a building or part thereof, used exclusively by physicians, dentists or other health professionals, their staff, and patients for consultation, diagnosis, and office treatment of humans. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

MINI STORAGE ESTABLISHMENT means one or more buildings containing separate spaces that are offered by lease or rent for the storage of goods.

MINERAL EXPLORATION means the activity of searching for minerals or mineral occurrences, including oil exploration, wherein, for the purposes of these Regulations it takes the form of a development that is visible and involves appreciable disturbance to soil.

MINERAL WORKING means the use of land for the surface extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, bedrock, or other aggregates, and may include washing and blasting where permitted under Provincial regulation, along with associated buildings and machinery.

MINI-HOME means a prefabricated single dwelling unit that complies with the National Building Code, is designed to be used with or without a permanent foundation, has a width of less than six (6) metres throughout its entire length exclusive of steps or porches, is not fitted with facilities for towing or to which towing apparatus can be attached, and is capable of being transported by means of a single trailer from the site of its construction without significant alteration.

MINING means the use of land or buildings for the extraction and processing of ores, salts, and/or petroleum that has been approved in accordance with applicable legislation, and includes stockpiles of ore, production facilities, buildings, and any other use incidental or accessory to ore extraction and processing activities.

MINISTER means the Minister of Municipal Affairs responsible for the *Urban and Rural Planning Act*.

MOBILE HOME means a dwelling unit that is constructed so as to be suitable for being attached to and drawn by a motor vehicle on its own wheels, notwithstanding that it may be jacked up or its running equipment may be removed.

MOTEL means an establishment that serves the travelling public, which consists of one or more buildings containing four or more attached accommodation units, which may or may not have restaurant, retail, and personal services.

MULTIPLE DWELLING means a dwelling containing more than two dwelling units, such units being constructed with common walls on the same level with individual entrances directly from the outside.

NIGHTCLUB – See "DRINKING ESTABLISHMENT".

***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.

NOXIOUS USE means a use of land or a building which, from its nature or operation, creates a nuisance, or is liable to become a nuisance that is offensive or dangerous by reason of noise, vibration, or emission of gas, fumes, dust, or objectionable odour.

NURSING HOME means a residence licensed under Provincial legislation, in which the proprietor supplies lodging and meals and, if required, nursing, medical, or similar care and treatment, and without limiting the generality of the foregoing, may include a rest home, personal care home, or any similar provincially licensed establishment.

OPEN SPACE means land set aside to preserve natural areas or to develop passive recreational uses. Open space may include woodlands, fields, walking trails, and passive recreational uses, but shall not include structures such as buildings, tennis courts, parking lots, or other impervious land uses.

OUTDOOR AMUSEMENT USE means a confined outdoor recreational use, and, without limiting the generality of the foregoing, may include a drive-in theatre, driving range, mini-golf facility, or similar use.

OUTFITTER OPERATION means the use of land to provide guiding services for hunting, fishing, and other outdoor recreational activities, and may include associated accommodations and food services.

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

PASSIVE RECREATIONAL USE means a recreation activity that generally does not require a developed site, and includes such uses as walking, bicycling, and skiing trails, but does not include sports fields, structures, or facilities to accommodate any type of motorized vehicle.

PERMANENT STRUCTURE means a building or part thereof or any built structure which includes a foundation or permanent base of earth, rock, concrete or other materials.

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

PERSONAL CARE FACILITY – See "NURSIING HOME".

PERSONAL SERVICE means a service oriented to the personal needs of persons, and without limiting the generality of the foregoing, includes hairdressing shops, beauty salons, gyms, computer service shops, hobby shops, and photo studios.

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

PLACE OF WORSHIP means a building or land commonly used for public worship by any religious organization and may include an associated or accessory rectory, manse, church hall, auditorium, or religious school.

PLANNED UNIT DEVELOPMENT (PUD) means a development that allows flexibility in the design and zoning standards of a subdivision. Approval of a PUD generally sets an overall density limit for the entire subdivision, allowing the dwelling units to be clustered to provide for common open space.

PRINCIPAL BUILDING(S) – See "MAIN BUILDING".

***PROHIBITED USE** means a use that is not listed within the permitted use classes set out in the use zone tables of Council's development regulations, but does not include a use that Council, in accordance with Paragraph 104, has deemed to be similar to a permitted or discretionary use.

PUBLIC BUILDING means a building that can be used for a public or non-profit purpose and without limiting the generality of the foregoing, may include such a building such as a school, place of worship, municipal recreation facility, community centre, hospital, town hall, and government office.

PUBLIC RIGHT-OF-WAY means a route across privately or publicly owned land that may be followed, but not deviated from, by members of the public. (adapted from www.chebutoc.ns.ca/Environment/FNSN/ORV_Policy.htm)

PUBLIC STREET - see "STREET".

***REARYARD** means the distance between the rear lot line and the rear wall of the main building on the lot.

RECREATIONAL FACILITY means a building used for indoor sports activities and/or public assembly events.

RECREATIONAL OPEN SPACE means a recreational use conducted outdoors that may be designed and equipped for the conduct of sports and/or leisure activities, and may include a

multi-use trail, nature interpretation centre, park, playground, outdoor skating rink, racing track, playing field, or similar use.

RECREATIONAL DWELLING means a private, non-commercial dwelling that is intended for recreational use by the owner and is not inhabited as a permanent main dwelling.

RECYCLING FACILITY means land or a building used to deposit, store, separate, clean, or redistribute discarded materials such as drink containers, paper, glass, plastic, cardboard, and household goods.

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

RETAIL USE means a store or shop engaged in the sale of goods to individual customers for personal use rather than for resale, and without limiting the generality of the foregoing, may include: stores engaged in the sale of antique and second-hand articles, appliances and tools, art and crafts, books, clothing, garden supplies, recreation and sporting goods, bakeries, drug stores, convenience stores, florists, and video rental stores, but does not include any use separately listed in a zone.

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

SALVAGE YARD means a building or land where scrap metal, motor vehicles, and vehicular parts are collected and are wrecked, crushed, demolished, sorted, disassembled, repaired and resold.

SENIORS HOUSING AND PERSONAL CARE FACILITY means a comprehensive development that includes detached or attached living units to accommodate seniors and disabled persons, as well as associated indoor or outdoor facilities to provide for the care, recreation, and social needs of these residents.

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

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

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

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

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

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

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

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

SLOPE means the rate of vertical change of the surface of the ground expressed as a percentage figure and determined by dividing the change in vertical distance by the change in horizontal distance.

SOD FARM means the use of land for the cultivation and harvesting of lawn grass, along with the soil that supports it, for commercial sale.

***STREET** means a street, road or highway or other way designed for the passage of vehicles and pedestrians with the following characteristics:

(i) it is designed for the passage of fire department and other emergency vehicles,
(ii) it includes related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges, and
(iii) its maintenance is the responsibility of Council or the Provincial Department of Transportation and Works.

***STREET LINE** means the edge of a street reservation as defined by Council.

STRUCTURE means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground, and includes buildings, walls, fences, signs, billboards, utility poles, and similar items.

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

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

SURFACE WATER means any flowing or standing water on the surface of the earth.

SUSTAINABLE DEVELOPMENT means development t that meets the needs of the present without compromising the ability of future generations to meet their own needs, and applies to the environmental, economic, social, cultural, and local governance aspects of the community.

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

TAVERN – DRINKING ESTABLISHMENT".

TOPSOIL REMOVAL means the use of land for the excavation and removal of topsoil from the site for commercial purposes in accordance with applicable Provincial legislation and regulations.

TOURSIT COTTAGE ESTABLISHMENT means an area of land, managed as a unit, consisting of three or more self-contained accommodations units used for short-term stays, and where accessory uses could include an administrative office, clubhouse, snack bar, convenience store, swimming pool, and recreational facilities;

TOWNHOUSE – See "ROW DWELLING".

TRAILER means any vehicle used for sleeping accommodation on a temporary basis and so constructed as to be suitable for being attached to and drawn by a motor vehicle, and not used as a full time residence.

TRUCKING/HEAVY EQUIPMENT DEPOT means a building or land used for the maintenance, servicing, storage, or repair of trucks, heavy equipment, and similar commercial vehicles, including the dispensing of fuel and petroleum products and the sale of parts and accessories.

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

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

UTILITY means a utility provided by any agency, which, provides the public with electricity, heat, steam, communications, water, sewage, garbage collection, or other similar service;

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

VETERINARY CLINCI means an establishment used by veterinarians, or practitioners in related specialties, for practicing veterinary medicine, where animals are admitted for examination or treatment, and where limited laboratory and other diagnostic services may be offered, but excludes a kennel;

WATERCOURSE means the full width and length, including the bed, banks, side and shoreline, or any part, of a river, stream, spring, brook, lake, pond, reservoir, estuary, or other natural or artificial freshwater channel open to the atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

WATERCOURSE, MINOR means a drainage course that carries water only during rain events or snowmelt, an intermittent stream that does not carry significant spring runoff, and a stream that is not fish habitat.

WATERSHED means the surface area contained within a topographical divide above a specified point on a river, brook, stream, or other flowing body of water;

WATERCOURSE VEGETATION LINE means the line of naturally occurring terrestrial vegetation present along the banks of a river or stream or on the shore of a lake;

WAYSIDE PIT OR QUARRY means a temporary pit or quarry used directly by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

WETLAND means a land whose soil is saturated with moisture either permanently or seasonally. Wetlands include swamps, marshes, bogs, fens, and shallow water, among others. The water found in wetlands can be saltwater, freshwater, or brackish.

WETLAND, MINOR means a wetland of less than 5,000 square metres in area that is not associated with a watercourse and is not deemed to be an environmentally sensitive area.

WIND GENERATOR means a generator specifically designed to convert kinetic energy in wind into electrical energy, which may or may not be to an electrical utility grid.

***ZONING MAP** means the map or maps attached to and forming part of the Regulations.

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2020

SCHEDULE B

CLASSIFICATION OF USES OF LAND AND BUILDINGS

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	**CLASS**	**EXAMPLES**
ASSEMBLY USES	Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasia, Auditoria, Bowling Alleys
	Educational	Schools, Colleges (non- residential)
	Place of Worship	Churches and similar places of worship, Church Halls
	Passenger Assembly	Passenger Terminals
	Club and Lodge	Private Clubs and Lodges (non-residential)
	Catering	Restaurants, Bars, Lounges
	Funeral Home	Funeral Homes and Chapels
	Child Care	Day Care Centres
	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools
	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fair-grounds, Exhibition Grounds, Drive-in Theatres
	Campground	Campgrounds
INSTITUTIONAL USES	Penal and Correctional Detention	Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric, Hospitals (with detention quarters), Reformatories
	Medical Treatment and Special Care	Children's Homes, Convalescent Homes Homes for Aged, Hospitals, Infirmaries

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	**CLASS**	**EXAMPLES**
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings, Family & Group Homes
	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes
	Row Dwelling	Row Houses, Town Houses, Family & Group Homes
	Apartment Building	Apartments, Family & Group Homes
	Collective Residential	Educational Residences, Nurses and Hospital Residences, etc.
	Boarding House Residential	Boarding Houses, Lodging Houses
	Bed and Breakfast	Bed and Breakfast
	Commercial Residential	Hotels, Motels, Tourist Cottages, Hostels, Residential Clubs
	Seasonal Residential	Summer Homes, Cabins, Hunting & Fishing Cabins
	Mobile Homes, Mini-Homes	Mobile Homes, Mini Homes
	Seniors Housing and Personal Care Facilities	Seniors Housing, Personal Care Homes, Nursing Homes

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	**CLASS**	**EXAMPLES**
BUSINESS & PERSONAL SERVICE USES	Office	Offices (including Government Offices), Banks
	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices
	Personal Service	Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs
	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents
	Communications	Radio Stations, Telephone Exchanges
	Police Station	Police Stations without detention quarters
	Taxi Stand	Taxi Stands
	Take-out service	Take-out Food Service
	Veterinary	Veterinary Surgeries
MERCANTILE USES	Shopping Centre	Shopping Centres
	Shop	Retail Shops and Stores and Showrooms, Department Stores
	Indoor Market	Market Halls, Auction Halls
	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls
	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	**CLASS**	**EXAMPLES**
INDUSTRIAL USES	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
	Service Station	Gasoline Service Stations, Gas Bars
	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	**CLASS**	**EXAMPLES**
NON-BUILDING USES	Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries
	Forestry	Forest harvesting, Tree nurseries, Silviculture
	Mineral Exploration	Mineral Exploration
	Mineral Working	Quarries, Pits
	Mining	Mining, Oil Wells, Mineral processing
	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
	Conservation	Watersheds, Buffer Strips, Flood Plains, Scenic Sites, Steep Slopes, Wildlife Sanctuaries
	Cemetery	Cemeteries
	Salovage Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
	Solid Waste	Solid Waste Disposal, Sanitary Land Fill Incinerators
	Animal	Animal Pounds, Kennels, Zoos
	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
	Transportation	Airfields, Docks and Harbours
	Marina	Marina, Yacht Club, Boating Club, Boat House
	Utilities	Wind generators Solar generators, Small hydro generators, Transmission lines.

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2020

SCHEDULE C

USE ZONE TABLES

SCHEDULE C
USE ZONE SCHEDULES

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

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

Schedule C contains tables for the following Use Zones:

ZONE	SYMBOL	PAGE
Environmental Protection	EP	75
Water Supply Protection	WP	78
Watershed	W	80
Flood Risk	FR	82
Residential	RES	84
Mixed Use	MU	91
Commercial General	CG	99
Commercial Highway	CH	104
Tourism Recreation	TR	107
Industrial General	IG	113
Industrial Light	IL	116
Public Use	PU	119
Recreational Open Space	ROS	122
Open Space	OS	124
Rural	RUR	125

ZONE TITLE ENVIRONMENTAL PROTECTION "EP"	
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)
Conservation Passive recreational use	Dock (See Condition 3) Energy generation facility (See Condition 6) Fisheries facility (See Condition 2) Marine facility (See Condition 2) Mineral exploration Open space Recreational open space Single dwelling (See Condition 7) Transportation (See Condition 4)

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would not be contrary to the purpose and intent of the Environmental Protection zone.

2. Fisheries and Marine Developments

A fisheries or marine facility will be permitted only if it is deemed by Council to be coastal location essential and not contrary to the public interest.

3. Recreational Docks

(1) Coastal Locations

In coastal areas of the Environmental Protection zone, a recreational dock may be permitted as a Discretionary Use only if the proposed location, size, and use of the dock are deemed by Council to be environmentally acceptable and compatible with surrounding development and public access along the shoreline. Approval to erect a dock will be subject to approval and comments by appropriate government agencies as well as terms and conditions set by Council.

(2) Freshwater Locations

On a pond or other watercourse, a recreational dock may be permitted as a Discretionary Use only if the dock is a floating structure attached to the land and is deemed by Council to be environmentally acceptable and compatible with surrounding development and public access along the shoreline. No dock will be permitted that requires any type of pier located in the water. Approval to install a floating dock will be subject to approval and comments by appropriate government agencies as well as terms and conditions set by Council.

4. Transportation

(1) Transportation uses that may be permitted at Council's discretion in the EP zone will be limited to public streets and associated infrastructure as well as private driveways.

(2) The development of a transportation use in the EP zone will be permitted only if:
- (a) Alternative locations for access are not reasonably available,
- (b) It is clearly demonstrated to Council that potential environmental impacts can be satisfactorily minimized or mitigated,
- (c) The development satisfies any terms and conditions that may be set Council, and
- (d) The development conforms to necessary Provincial approvals.

5. Tree Removal and Landscaping

All portions of a lot located within the Environmental Protection zone will be subject to the following:

(a) In any ten (10) year period, tree removal shall be limited to a maximum of thirty percent (30%) of the number of trees on the area within the EP zone,

(b) Any excavation or filling-in of land, or other altering of the landscape, will be limited to a maximum of ten percent (10%) of the area within the EP one.

6. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

7. Single Dwelling

Council will not consider an application to develop a single dwelling as a discretionary use within the Environmental Protection zone except under the following circumstances:

(a) The lot on which the proposed dwelling is to be erected was in existence on the date that these Development Regulations came into effect,

(b) There is no opportunity on the lot to erect the dwelling outside the Environmental Protection zone,

(c) Necessary approvals are obtained from relevant government agencies, and

(d) The erection of the dwelling, as well as associated clearing of vegetation and landscaping, meets all terms and conditions set by Council aimed at mitigating potential environmental impacts.

8. Environmental Control

(1) All approved developments and utilities must be designed and constructed in accordance with high environmental standards as specified in terms and conditions established by Council.

(2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

ZONE TITLE	**WATER SUPPLY PROTECTION**	**"WP"**
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)	
Conservation	Developments related to water supply management and protection Mineral exploration Open space Passive recreational use	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would be in the public interest and would not be contrary to the purpose and intent of the Water Supply Protection zone.

Development that is permitted at the discretion of Council will be subject to terms and conditions to ensure there will be no adverse impact on the drinking water supply.

2. Existing Uses

Maintenance and continuation of an existing use or resource activity may be permitted at the discretion of Council provided:

(a) It is always carried out in a way that will cause no detrimental effect on the drinking water supply.
(b) It adheres to the approval and regulations of the Minister of Environment and Conservation, and
(c) It adheres to all terms and conditions set by Council, as may be changed or updated from time to time.

3. Activities Not Permitted

Although they may be associated with an existing Permitted or Discretionary Use, the following activities shall not be permitted in the Water Supply Protection zone:

(a) Placing, depositing or discharging into a body of water any sewage, refuse, chemicals, municipal and industrial waste, or any other material which impairs or has potential to impair water quality.
(b) Using an intake, pond, lake or specified buffer zone for any activity detrimental to water quality, and not permitted in the *Environment Act*.
(c) Using ice covered water body to transport logs, ride motorized vehicles, lead animals, litter, or undertake any other activity that has the potential to impair water quality.

(d) Using or operating existing facilities in such a manner that impairs or has potential to impair water quality.
(c) Storage, disposal, or application of fertilizers, pesticides, manure, or chemicals.
(d) Extensive clearing of land or drainage of peat bogs and other wetlands.
(f) Application of herbicides in a utility right-of-way, or use of chemically treated utility poles or other structures.
(g) Any other storage or disposal facilities that the Minister of Environment and Conservation considers environmentally unacceptable.

3. Regulated Activities

Subject to the other provisions of these Regulations, no person shall undertake any of the following activities in the Water Supply Protection zone without obtaining a permit from Council and written approval from the Minister of Environment and Conservation:

(a) Expansion or upgrading of any existing use, activity, or operation,
(b) Clearing or drainage of land, construction of an access road, or servicing of lands for subsequent use,
(c) Installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes,
(d) Construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;
(e) Modification to water control structures, intake structures, pump houses, water pipes, or reservoirs,
(f) Development and operation of a public utility, including a hydro transmission line,
(f) Any other permitted development or activity which, in the opinion of the Minister of Environment and Conservation, has caused or has potential to cause impairment of water quality.

4. Approval of Department of Environment and Conservation

Council will not approve any development or activity in the Water Supply Protection zone until all required approvals have been obtained from the Minister of Environment and Conservation.

ZONE TITLE	**WATERSHED** **"W"**
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)
Conservation Open space Passive recreational use	Agriculture (See Condition 3) Developments related to water supply management and protection Energy generation facility (See Condition 5) Forestry (See Condition 3) Mineral exploration Mineral working (See Condition 4)

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would be in the public interest and would not be contrary to the purpose and intent of the Watershed zone.

Development that is permitted at the discretion of Council will be subject to terms and conditions to ensure there will be no adverse impact on the drinking water supply.

2. Buffer Zones

(1) Other than a development related to conservation and water supply management or protection, no development, forest harvesting, or other resource use activity will be permitted in the vicinity of a watercourse except in accordance with the following minimum buffers from the top of the bank of a watercourse.

Watercourse	Minimum Width of Buffer Zones
Intake pond or lake	150 metres
Intake river	150 metres for 1 km. upstream and 100 m. downstream of water supply intake
Main river channel	75 metres
Major tributaries, lakes or ponds	50 metres
Other watercourses	30 metres
Southeast shore of Shoal Harbour Pond	300 metres

(2) Notwithstanding Paragraph (1), no agriculture or mineral working use, nor any drainage ditch or channel originating from an agriculture or forestry use, will be permitted within 75 metres of any watercourse.

3. Forestry and Agriculture

A forestry or agriculture use, which may be permitted at the discretion of Council, will be limited to activities that are deemed by Council to be environmentally acceptable in the proposed location with respect to potential impacts on the drinking water supply.

4. Mineral Working

In addition to the requirements of this zone, a mineral working use will be subject to all requirements for mineral working set out in the Rural zone.

5. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

6. Environmental Control

(1) All approved developments and utilities must be designed and constructed in accordance with high environmental standards as specified in terms and conditions established by Council.

(2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

7. Approval of Department of Environment and Conservation

Council will not approve any development or activity in the Watershed zone until all required approvals have been obtained from the Minister of Environment and Conservation.

ZONE TITLE	**FLOOD RISK**	**"FR"**
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)	
Conservation Open space Passive recreational use	Accessory building to an existing building Home occupation (See Condition 3) Improvement or reconstruction of an existing dwelling or structure Mineral exploration Public work or infrastructure Recreational open space (See Condition 5) Agriculture (See Condition 6)	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would be in the public interest and would not be contrary to the purpose and intent of the Floodway zone.

Development that is permitted at the discretion of Council will be subject to terms and conditions to ensure there will be no increase in flood risk or adverse environmental impact.

2. Existing Dwellings and Structures

At its discretion, Council can permit an existing dwelling or structure in the Floodway Fringe zone to be altered, replaced, or repaired, as long as the alteration, replacement, or repair does not change the location or increase the lot coverage or floor area of the building.

3. Home Occupation

At Council's discretion, a home occupation may be permitted in an existing dwelling subject to the conditions for home occupations in Regulation 40 of the General Development Regulations, as well as any additional conditions that Council deems to be appropriate due to the location of the dwelling in a flood risk area.

4. Flood Risk Considerations

(1) Projected 1:100 year flood levels, wave action, and ice action will be taken into account when determining the suitability of a proposed development on a particular site.

(2) A proposed development will not be approved if the applicant is unable to show that it would not be at risk from flooding or flood related events or that it would increase the flood risk to existing uses and natural features.

(3) A public work such as the filling-in of land or water for the purposes of flood protection or redirection of flood waters would be permitted only in accordance with the approval of the Department of Environment and Conservation.

(4) A municipal public work unrelated to flood protection will not be permitted except if there is no feasible alternative location and only if the development is in accordance with the approval of the Department of Environment and Conservation.

5. Recreational Open Space

Recreational open space uses will be limited to outdoor, non-building facilities that will not significantly displace, obstruct the flow of, or be damaged by flood waters.

6. Agriculture

(1) Agriculture in the Flood Risk zone will be limited to the cultivation of ground located no closer than thirty (30) metres from the edge of a watercourse or wetland.

(2) The keeping of livestock, including horses, will not be permitted.

7. Environmental Control

(1) All approved developments and utilities must be designed and constructed in accordance with high environmental standards as specified in terms and conditions established by Council.

(2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

7. Approval of Department of Environment and Conservation

Council will not approve any development or activity in the Floodway zone until all required approvals have been obtained from the Minister of Environment and Conservation.

ZONE TITLE	**RESIDENTIAL**	**"RES"**
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)	
Single dwelling Agriculture (See Condition 14) Conservation Home occupation (See Condition 7) Open space Passive recreational use Subsidiary apartment (See Condition 10)	Apartment building Boarding house Double dwelling Mini home Townhouse or row dwelling Bed and breakfast (See Condition 9) Child care (See Condition 8) Convenience store (See Condition 12) Energy generation facility (See Condition 17) Family and group care centre Kennel (See Condition 15) Nursing home Recreational open space Seniors housing and personal care facility (See Condition 13) Tourist cottage establishment (See Condition 16)	

DEVELOPMENT STANDARDS

STANDARDS	**Single Dwelling**	**Double Dwelling**	**Row Dwelling**	**Apartment Building**		
				One Bedroom	**Two Bedroom**	**Three Bedroom**
Min. Lot Area (m²)	450	330 per unit	170 per interior unit 230 per end unit	230 per unit for up to four units 120 per additional unit		
Min. Floor Area (m²)	80	75	65 per unit	40 per unit	45 per unit	50 per unit
Min. Frontage (m)	15	13 per unit	6 per interior unit 8.5 per end unit	20 for three units plus 5 per additional unit		
Min. Frontyard (m)	7.5	7.5	7.5	7.5		
Min. Sideyard (m)	2.5 & 1	2.5	2.5	5		
Min. Sideyard Flanking Street (m)	7.5	7.5	7.5	7.5		
Min. Rearyard (m)	**8**	**8**	**8**	14		
Max. Lot Coverage of All Buildings	35%	35%	35%	35%		
Max. Number of Dwelling Units	1 main unit plus 1 subsidiary apartment	2	5	10		
Max. Height (m)	8	8	10	10		

DRA-2011-4 and NL Gazette

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of permitted uses, and would not be contrary to the general intent of the Municipal Plan, these Regulations or the public interest.

2. Larger Frontages Required on Steeper Streets

Notwithstanding the minimum lot frontage standards in the Use Zone Table, Council will require residential lots on steeper streets to meet the following higher standards.

Minimum Lot Frontage on Steeper Streets				
Street Grade	**Single Dwelling**	**Double Dwelling**	**Row Dwelling**	**Apartment Building**
5.1 - 7.5% (m)	22	19 per unit	Development will not be permitted	Development will not be permitted
7.6 - 10.0% (m)	27	23 per unit		

3. Backlot Development

At its discretion, Council can permit the development of a backlot to the rear of existing residential lot(s) if it deems that the location is suitable, that the back lot will be compatible with neighbouring properties, and that the backlot will not impede efficient future development of adjacent developable land.

To be approved by Council, a back lot must meet the following conditions:

(a) Notwithstanding the minimum lot frontage standards in the Use Zone Table, the lot will have a frontage of no less than 10.5 metres as measured at the street line.

(b) The building line setback from the street will be no less than 32 metres and no more than 50 metres.

(c) The lot must meet all other standards specified in the Use Zone table, including:
   (i) Minimum Lot Area (calculation of the lot area will exclude the portion of the lot that provides access from the street),
   (ii) Minimum Frontage (as measured at the building line),
   (iii) Minimum Frontyard (as measured from the rear property line of the abutting property toward the street),
   (iv) Minimum Side Yards, and
   (v) Minimum Rear Yard.

4. Minimum Lot Width at Street Line

With the exception of a lot located on the turning circle of a cul de sac or a back lot as outlined in Condition 3 above, the minimum width of any residential lot at the street line will be no less than 75 percent of the minimum frontage required in the Use Zone Table.

5. Compatible Yard Setbacks

Notwithstanding the yard setback standards in the Use Zone Table, Council may require residential and other building setbacks to complement existing building setbacks on adjoining lots or in the neighbourhood.

6. Municipal Servicing Requirements

No new lots, new dwellings, or other new buildings except accessory buildings will be approved in the Residential zone that would not be connected to municipal piped services.

7. Home Occupations

See Regulation 40, Part II – General Development Standards

8. Child Care Service

See Regulation 41, Part II – General Development Standards

9. Bed and Breakfast

See Regulation 42, Part II – General Development Standards

10. Subsidiary Apartments

(1) One subsidiary apartment may be permitted in a single dwelling.

(2) Approval of a subsidiary apartment in a single dwelling will be subject to the following conditions:
   (a) Provision shall be made for at least one additional off-street parking space.
   (b) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
   (c) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

11. Accessory Buildings on Residential Lots

In addition to the requirements for accessory buildings set out in Regulation 38 of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:

(a) The use of an accessory building shall be clearly incidental and complementary to the main dwelling.

(b) On a residential lot, no accessory building will be permitted that is larger than the maximum floor area specified in the following table. In addition, no accessory building will be permitted, which results in a lot coverage larger than the maximum lot coverage specified in the table.

Maximum Floor Area & Lot Coverage of Accessory Buildings		
Lot Size	**Maximum Floor Area of One Accessory Building**	**Maximum Lot Coverage of All Accessory Buildings**
Up to 750 m²	80 m²	35% of the area of the rear yard
751 m² to 1500 m²	100 m²	35 % of the area of the rear yard
More than 1500 m²	120 m²	35% of the area of the rear yard

(c) The maximum building height of an accessory building is 5.0 metres.

(d) An accessory building will be erected behind the building line unless otherwise authorized by Council in accordance with Regulation 38.

(e) Except as allowed in Paragraph (f), an accessory buildings must be at least 1.0 metre from any side or rear lot line.

(f) Notwithstanding Paragraph (e), an accessory building with a floor area less than 6 m² or a carport will be at least 0.5 metres from any side or rear lot line.

(g) Except for minor vehicle maintenance, an accessory building shall not be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.

(h) In accordance with Regulation 40 of Part II of these Regulations, an accessory building will not be used for a home occupation.

12. Convenience Stores

A convenience store that is permitted as a discretionary use will be subject to the following conditions:

(a) The store may form part of or be attached to a self-contained dwelling unit or it may be located on a separate lot.

(b) The development standards for a freestanding convenience store on a separate lot shall comply with the development standards established for a single dwelling in this zone with respect to lot area, lot width, frontyard setback, sideyard and rearyard widths and lot coverage.

(c) The floor area of a freestanding convenience store will not be more than eighty (80) square metres. If it forms part of a single dwelling, the floor area of a convenience store will not be more than eighty (80) square metres or twenty-five

(25) percent of the total building, whichever is smaller.

(d) The convenience store shall be subsidiary to the residential character of the area and shall not detract from the residential amenities of adjoining properties.

(e) Provision for off-street parking must meet the parking standards specified in Schedule "D".

(f) In considering an application, Council will pay particular attention to site access and the effects of the store on traffic flow.

13. Seniors Housing and Personal Care Facilities

Notwithstanding any other provisions of these Regulations, the following provisions shall apply to the development of a Seniors Housing and Personal Care Facility:

(a) The development will be treated as a single comprehensive development as set out in Part II of these Regulations, except that the minimum dwelling floor areas, building line setbacks and yards shall be as determined by Council.

(b) The development shall be tailored to the needs of the persons occupying the development in accordance with their condition.

(c) The overall design of the development – including road layout, landscaping, building design and location, parking areas, and so forth – will be attractive and compatible with other uses in the vicinity.

(d) A single management authority shall be responsible for the maintenance of properties within the development.

(e) Building types can be as necessary to serve the purposes of the development, including a variety of dwelling types, care facilities, and communal facilities such as storage rooms, hobby rooms, workshops, and garages.

(f) The total lot coverage of all buildings will not exceed 35%.

(g) Parking standards will accommodate the needs of the residents, staff, and visitors, and at least one (1) parking space will be provided adjacent to each independent living dwelling unit with a separate exterior entrance.

14. Agriculture

(1) Agriculture in the Residential zone will be limited to home gardens and similar activities that Council deems to be compatible with surrounding residential areas.

(2) The cultivation of ground and the erection of greenhouses, root cellars, and other

accessory buildings for agricultural use will be limited to small-scale developments as determined by Council.

(3) The keeping of livestock, including horses, will not be permitted.

15. Kennels

A new kennel, if permitted as a Discretionary Use, will be subject to the following:

(a) It will be permitted only as a home occupation

(b) It will be permitted only on a lot of 5,000 square metres or more, and

(b) It will adhere to such other terms and conditions of Council aimed at restricting the number and breed of dogs or cats on the premises and minimizing potential noise, odour, and other impacts on neighbouring land uses.

16. Tourist Cottage Establishment

At the discretion of Council, a tourist cottage establishment may be permitted on a residential property containing a bed and breakfast, subject to the following:

(a) The maximum floor area of a tourist cottage will not exceed 45 square metres or a height of 4 metres,

(b) The development must be complementary to a bed and breakfast operation,

(c) The lot will not be less than one hectare,

(d) Total lot coverage of all buildings will not exceed 15% of the lot area,

(e) The tourist cottage site must be adequately buffered from nearby residential uses, and

(f) The development must satisfy the requirements of the Department of Tourism, Culture, and Recreation.

17. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

18. Advertisements

(1) All provisions of Part III (Regulations 72 to 78) of the General Development Regulations apply to this zone except that:

(a) The maximum size of an on-site sign (see Regulation 79) on a bed and breakfast or commercial building cannot exceed 5 square metres,

(b) No freestanding temporary or portable sign (see Regulation 77) is permitted.

(2) In accordance with Regulations 40 and 77, a home occupation will be permitted one, non-illuminated sign of 0.2 square metres or less mounted on the dwelling.

ZONE TITLE	**MIXED USE**	**"MU"**
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)	
Single dwelling	Apartment building	
Double dwelling	Amusement use (See Condition 17)	
Subsidiary apartment (See Condition 12)	Antenna	
Townhouse or row dwelling	Auto body shop	
Bed and breakfast (See Condition 11)	Automobile dealership	
Boarding house	Campground	
Child care (See Condition 10)	Drinking establishment (See Condition 17)	
Communications	Energy generation facility (See Condition 20)	
Conservation	Fire station	
Convenience store	Funeral home	
Educational	General assembly	
Family and group care centre	General garage	
General service	Kennel (See Condition 18)	
Home occupation (See Condition 9)	Light industry	
Hotel	Marina	
Indoor market	Marine facility	
Medical and professional	Mini storage establishment	
Medical clinic	Mineral exploration	
Motel	Outdoor amusement use	
Nursing home	Passenger assembly	
Office	Place of worship	
Open space	Recreational facility	
Outdoor market	Seniors housing and personal care facility (See Condition 13)	
Passive recreation use		
Personal service	Service station	
Police station	Shopping centre	
Public building	Take out restaurant (See Condition 17)	
Recreational open space	Taxi stand	
Restaurant	Tourist cottage establishment	
Retail use	Warehouse	
Shop		
Theatre		
Veterinary		

DEVELOPMENT STANDARDS						
STANDARDS	**Single Dwelling**	**Double Dwelling**	**Row Dwelling**	**Apartment Building**		
				One Bedroom	**Two Bedroom**	**Three Bedroom**
Min. Lot Area (m^2)	450	330 per unit	170 per interior unit 230 per end unit	230 per unit for up to four units 120 per additional unit		
Min. Floor Area (m^2)	80	75	65 per unit	40 per unit	45 per unit	50 per unit
Min. Frontage (m)	15	13 per unit	6 per interior unit 8.5 per end unit	20 for three units plus 5 per additional unit		
Min. Frontyard (m)	7.5	7.5	7.5	7.5		
Min. Sideyard (m)	2.5 & 1	2.5	2.5	5		
Min. Sideyard Flanking Street (m)	7.5	7.5	7.5	7.5		
Min. Rearyard (m)	**8**	**8**	**8**	14		
Max. Lot Coverage of All Buildings	35%	35%	35%	35%		
Max. Number of Dwelling Units	1 main unit plus 1 subsidiary apartment	2	5	10		
Max. Height (m)	8	8	10	10		

DRA-2011-4 and NL Gazette

CONDITIONS

1. Residential Areas

Notwithstanding the Permitted and Discretionary Uses listed in the Use Zone Table, where an area within the Mixed Use designation is predominantly residential in character, a proposed use will not be approved if it is deemed by Council to be incompatible with existing dwellings and the general residential character of the area.

2. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations or the public interest.

3. Compatible Yard Setbacks

Notwithstanding the yard setback standards in the Use Zone Table, Council may require residential and other building setbacks to complement existing building setbacks on adjoining lots or in the neighbourhood.

4. Minimum Residential Lot Frontages on Steeper Streets

Notwithstanding the minimum lot frontage standards in the Use Zone Table, Council will require residential lots on steeper streets to meet the following higher standards.

Minimum Lot Frontage on Steeper Streets				
Street Grade	**Single Dwelling**	**Double Dwelling**	**Row Dwelling**	**Apartment Building**
5.1 - 7.5% (m)	22	19 per unit	Development will not be permitted	Development will not be permitted
7.6 - 10.0% (m)	27	23 per unit		

5. Backlot Development

At its discretion, Council can permit the development of a backlot to the rear of existing residential lot(s) if it deems that the location is suitable, that the back lot will be compatible with neighbouring properties, and that the backlot will not impede efficient future development of adjacent developable land.

To be approved by Council, a back lot must meet the following conditions:

(a) Notwithstanding the minimum lot frontage standards in the Use Zone Table, the lot will have a frontage of no less than 10.5 metres as measured at the street line.

(b) The building line setback from the street will be no less than 32 metres and no more than 50 metres.

(c) The lot must meet all other standards specified in the Use Zone table, including:
   (i) Minimum Lot Area (calculation of the lot area will exclude the portion of the lot that provides access from the street),
   (ii) Minimum Frontage (as measured at the building line),
   (iii) Minimum Frontyard (as measured from the rear property line of the abutting property toward the street),
   (iv) Minimum Side Yards, and
   (v) Minimum Rear Yard.

6. Minimum Lot Width at Street Line

With the exception of a lot located on the turning circle of a cul de sac or a back lot as outlined in Condition 5 above, the minimum width of any residential lot at the street line will be no less than 75 percent of the minimum frontage required in the Use Zone Table.

7. Conditions for Non-Residential Development

A non-residential use that is not located in a dwelling and not on a residential lot will be

subject to the following:

(a) It must meet the minimum development standards established for a single dwelling or such higher standards as Council may require,

(b) It must be located and designed to minimize the impact of traffic, appearance, noise, odour, lighting, and signage on surrounding residential uses.

(c) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.

(d) It must provide for adequate off-street parking in accordance with "Schedule D", or such other parking requirements that Council may permit that will not result in traffic or parking problems.

(e) Outdoor storage associated with the use will not be permitted in the front yard unless otherwise authorized by Council. Storage may be permitted in side and rear yards subject to terms and conditions aimed at reducing potential impacts on neighbouring properties.

(f) At the discretion of Council, spatial buffers and/or screening (e.g. fencing, vegetation) may be required between the development and abutting residential uses.

(g) It will be separated from the adjoining street by a curb or other suitable barrier against unguided motor vehicle access. Unless the barrier takes the form of a curb in the street reservation, it will be located on the private lot.

(h) It will be subject to such other conditions that are deemed by Council to be appropriate to the use, to the site, and to the amenity of adjacent and nearby land uses, and

(h) No change in the type or scale of the use will be permitted except in accordance with a development permit and conditions set by Council.

8. Municipal Servicing Requirements

No new lots or new buildings except accessory buildings will be approved in the Mixed Use zone that would not be connected to municipal piped services.

9. Home Occupations

See Regulation 40, Part II – General Development Standards

10. Child Care Service

See Regulation 41, Part II – General Development Standards

11. Bed and Breakfast

See Regulation 42, Part II – General Development Standards

12. Subsidiary Apartments

(1) One subsidiary apartment may be permitted in a single dwelling, a commercial building, or a public building.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) Provision shall be made for at least one additional off-street parking space.

(b) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.

(c) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

13. Seniors Housing and Personal Care Facilities

Notwithstanding any other provisions of these Regulations, the following provisions shall apply to the development of a Seniors Housing and Personal Care Facility:

(a) The development will be treated as a single comprehensive development as set out in Regulation 48 of Part II of these Regulations, except that the minimum dwelling floor areas, building line setbacks and yards shall be as determined by Council.

(b) The development shall be tailored to the needs of the persons occupying the development in accordance with their condition.

(c) The overall design of the development – including road layout, landscaping, building design and location, parking areas, and so forth – will be attractive and compatible with other uses in the vicinity.

(d) A single management authority shall be responsible for the maintenance of properties within the development.

(e) Building types can be as necessary to serve the purposes of the development, including a variety of dwelling types, care facilities, and communal facilities such as storage rooms, hobby rooms, workshops, and garages.

(f) The total lot coverage of all buildings will not exceed 35%.

(g) Parking standards will accommodate the needs of the residents, staff, and visitors, and at least one (1) parking space will be provided adjacent to each independent living dwelling unit with a separate exterior entrance.

14. Accessory Buildings on Residential Lots

In addition to the requirements for accessory buildings set out in Regulation 38 of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:

(a) The use of an accessory building shall be clearly incidental and complementary to the main dwelling.

(b) On a residential lot, no accessory building will be permitted that is larger than the maximum floor area specified in the following table. In addition, no accessory building will be permitted, which results in a lot coverage larger than the maximum lot coverage specified in the table.

Maximum Floor Area & Lot Coverage of Accessory Buildings		
Lot Size	**Maximum Floor Area of One Accessory Building**	**Maximum Lot Coverage of All Accessory Buildings**
Up to 750 m²	80 m²	35% of the area of the rear yard
751 m² to 1500 m²	100 m²	35 % of the area of the rear yard
More than 1500 m²	120 m²	35% of the area of the rear yard

(c) The maximum building height of an accessory building is 5.0 metres.

(d) An accessory building will be erected behind the building line unless otherwise authorized by Council in accordance with Regulation 38.

(e) Except as allowed in Paragraph (f), an accessory buildings must be at least 1.0 metre from any side or rear lot line.

(f) Notwithstanding Paragraph (e), an accessory building with a floor area less than 6 m² or a carport will be at least 0.5 metres from any side or rear lot line.

(g) Except for minor vehicle maintenance, an accessory building shall not be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.

(h) In accordance with Regulation 40 of Part II of these Regulations, an accessory building will not be used for a home occupation.

15. Open Storage

Council will not permit outdoor storage of goods or materials on sites abutting or on the opposite side of a road from a residential property. Where permitted, open storage shall meet the following requirements:

(a) Open storage on will not occupy more than 25 percent of the lot and will not be located in the front yard or in any required buffer area.

(b) Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by Council.

(c) Open storage areas shall be maintained with a stable surface to prevent the raising or movement of dust, clay, mud, and loose particles.

16. Non-Residential Property Maintenance Standards

Any use other than a private dwelling occupying a site in the Mixed Development zone will be subject to the following conditions:

(a) Trash and garbage receptacles that contain garbage awaiting collection shall be located within a screened enclosure of a design satisfactory to Council.

(b) Exterior lighting for use on the site shall be erected and maintained so the light is confined to the property and will not cause direct light or glare upon the adjacent properties or roads. The light source shall not be higher than 6 metres.

(c) Lots will be landscaped or provided with a stable surface to prevent the raising or movement of dust, clay, mud, and loose particles.

17. Take-Out Restaurants, Amusement Uses, and Drinking Establishments

Take-out restaurants, amusement uses, and drinking establishments will be considered for approval only if the proposed site does not abut private residential properties.

18. Kennels

The establishment of a new kennel, if permitted as a Discretionary Use, will be subject to the following:

(a) It will be permitted only on a lot of 5,000 square metres or more, and

(b) It will adhere to such other terms and conditions of Council aimed at restricting the number and breed of dogs or cats on the premises and minimizing potential noise, odour, and other impacts on neighbouring land uses.

19. Hazardous and Noxious Uses

In accordance with Regulation 57, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

20. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

21. Advertisements

See Part III – Advertisements.

ZONE TITLE	**COMMERCIAL GENERAL**	**"CG"**
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)	
Recreational open space	Funeral Home	
Recreational facility	Place of worship	
Restaurant	Tourist cottage establishment	
Take out restaurant	Campground	
Hotel	Drinking establishment	
Motel	Amusement use	
Educational	Outdoor amusement use	
Retail use	Automobile dealership	
Shop	Auto body shop	
Convenience store	General garage	
Cultural and civic	Fire station	
General service	Energy generation facility (See Condition 10)	
Personal service	Kennel (See Condition 9)	
Indoor market	Subsidiary apartment (See Condition 8)	
Medical and professional	Recycling facility	
Office	Mineral exploration	
Light industry	**Antenna**	
General assembly		
Shopping centre		
Mini storage establishment		
Warehouse		
Taxi stand		
Passenger assembly		
Medical clinic		
Police station		
Public building		
Outdoor market		
Theatre		
Veterinary		
Child care (See Condition 7)		
Communications		
Open space		
Passive recreational use		
Service station		
Conservation		

DRA-2013-9 and NL Gazette

DEVELOPMENT STANDARDS	
ALL USES EXCEPT SHOPPING CENTRES	
Minimum Frontyard (m)	9 (Council may require higher setbacks)
Minimum Sideyard (m)	2.5 (may be waived for buildings with adjoining walls)
Minimum Sideyard for Open Storage (m)	5
Min. Flanking Road Sideyard (m)	6
Minimum Rearyard (m)	10
Maximum Lot Coverage	40%
Maximum Height (m)	10
SHOPPING CENTRES	
Minimum Lot Area (m^2)	10,000
Minimum Floor Area (m^2)	1,000
Minimum Frontyard (m)	9 (Council may require higher setbacks)
Minimum Sideyard (m)	5 (may be waived for buildings with adjoining walls)
Minimum Rearyard (m)	10
Maximum Lot Coverage	35%
Maximum Height (m)	10

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations or the public interest.

2. Compatible Yard Setbacks

Notwithstanding the yard setback standards in the Use Zone Table, Council may require the setbacks of new buildings to complement existing building setbacks on adjoining lots or in the neighbourhood.

3. Conditions for Development

Every development will be subject to the following:

(a) It must be located and designed to minimize the impact of traffic, appearance, noise, odour, lighting, and signage on adjacent and nearby uses.

(c) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.

(d) It must provide for adequate off-street parking in accordance with "Schedule D", or such other parking requirements that Council may permit that will not result in traffic or parking problems.

(e) Outdoor storage associated with the use will not be permitted in the front yard unless otherwise authorized by Council. Storage may be permitted in side and rear yards subject to terms and conditions aimed at reducing potential impacts on neighbouring properties.

(f) At the discretion of Council, a development may be required to establish spatial buffers and/or screening (e.g. fencing, vegetation) between the development and abutting uses.

(g) It will be separated from the adjoining street by a curb or other suitable barrier against unguided motor vehicle access. Unless the barrier takes the form of a curb in the street reservation, it will be located on the private lot.

(h) It will be subject to such other conditions that are deemed by Council to be appropriate to the use, to the site, and to the amenity of adjacent and nearby land uses, and

(i) No change in the type or scale of the use will be permitted except in accordance with a development permit and conditions set by Council.

4. Hazardous and Noxious Uses

In accordance with Regulation 57, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

5. Municipal Servicing Requirements

No new lots or new buildings except accessory buildings will be approved in the Mixed Use zone that would not be connected to municipal piped services.

6. Property Maintenance Standards

Any use other than a private dwelling occupying a site in the Mixed Development zone will be subject to the following conditions:

(a) Trash and garbage receptacles that contain garbage awaiting collection shall be located within a screened enclosure of a design satisfactory to Council.

(b) Outdoor storage of scrap and other unsightly materials will not be permitted except within a screened enclosure of a design satisfactory to Council.

(c) Exterior lighting for use on the site shall be erected and maintained so the light is confined to the property and will not cause direct light or glare upon the adjacent properties or roads. The light source shall not be higher than 6 metres.

(d) Lots will be landscaped or provided with a stable surface to prevent the raising or movement of dust, clay, mud, and loose particles.

7. Child Care Service

See Regulation 41, Part II – General Development Standards

8. Subsidiary Apartments

(1) One subsidiary apartment may be permitted in a commercial or public building.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) Provision shall be made for at least one additional off-street parking space.

(b) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.

(c) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

9. Kennels

The establishment of a new kennel, if permitted as a Discretionary Use, will be subject to the following:

(a) It will be permitted only on a lot of 5,000 square metres or more, and

(b) It will adhere to such other terms and conditions of Council aimed at restricting the number and breed of dogs or cats on the premises and minimizing potential noise, odour, and other impacts on neighbouring land uses.

10. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

11. Advertisements

See Part III – Advertisements.

ZONE TITLE COMMERCIAL HIGHWAY "CH"	
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)
Hotel Motel Restaurant (See Condition 3) Take out restaurant (See Condition 3) Service station Tourist information service Passenger assembly Police station, Recreational open space Shop (See Condition 3) Convenience store (See Condition 3) Passive recreational use Conservation Open space Antenna	Campground (See Condition 2) Tourist cottage establishment (See Condition 2) Drinking establishment (See Condition 3) Outdoor amusement use (See Condition 3) Energy generation facility (See Condition 6)
DEVELOPMENT STANDARDS	
Minimum Frontyard (m)	10 (Council may require higher setbacks)
Minimum Sideyard (m)	5 & 1 (may be waived for buildings with adjoining walls)
Minimum Sideyard for Open Storage (m)	5
Min. Flanking Road Sideyard (m)	6
Minimum Rearyard (m)	10
Maximum Lot Coverage	40%
Maximum Height (m)	15

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations or the public interest.

2. Tourist Cottage Establishments and Campgrounds

(1) A proposed tourist cottage establishment or a campground, if being considered for approval as a discretionary use, will require a development plan satisfactory to Council containing the following information:

(a) Location and size of campsites and/or cottage units

(b) Internal roads and accesses

(c) Parking areas

(d) Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, caretaker residence, and outdoor and indoor recreation facilities

(e) Water supply and waste disposal

(f) Landscaping

(g) Buffers and screening between the site and other nearby land uses

(h) Delineation of the property to be developed on a legal survey

(i) Where deemed necessary by Council, a phasing plans for development.

(2) Commercial uses, washroom facilities, recreational areas, parking areas, laundries and similar facilities directly associated with the development will not be located on separate properties.

(3) All camp sites, cottages, and on-site facilities that form part of the development will be accessible only via the internal road network of the development.

(4) Council may require the development to include suitable buffers and screening on any portion of the development that abuts an existing or future public street or residential area. Any buffering or screening shall be maintained in a condition that is acceptable to Council.

(5) The development permit will specify the maximum number of cottage units and/or campsites for different uses such as tents and trailers that will be permitted on the site.

(6) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the discretionary approval of Council.

(7) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.

(8) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

3. Uses Permitted Only as Accessory Uses

In the Commercial Highway zone, restaurants, take-outs, drinking establishments, convenience stores, and shops will be permitted only as accessory uses to another permitted or discretionary use in the zone. .

4. Property Upkeep and Maintenance

Land and buildings in the Commercial Highway zone will be landscaped and maintained to the satisfaction of Council.

5. Hazardous and Noxious Uses

In accordance with Regulation 57, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

5. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

6. Advertisements

See Part III – Advertisements.

ZONE TITLE TOURISM RECREATION "TR"	
PERMITTED USE CLASSES (See Regulation 103)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)
Hotel Motel Tourist cottage establishment (See Condition 6) Campground (See Condition 6) Restaurant (See Condition 7) Take out restaurant(See Condition 7) Tourist information service Outdoor assembly (See Condition 7) Personal Service (See Condition 7) Recreational open space Outdoor amusement use Shop (See Condition 7) Convenience store (See Condition 7) Subsidiary apartment (See Condition 9) Passive recreational use Open space Conservation	Drinking establishment (See Condition 7) Amusement use (See Condition 7) Boarding and riding stable (See Condition 8) Land extensive recreational use (See Condition 10) A multiple dwelling (See Condition 10) Recreational dwelling (See Condition 10) Outfitter operation Mineral exploration Forestry (See Condition 11) Agriculture (See Condition 11) Mineral working (See Condition 11) Energy generation facility (See Condition 12)

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations or the public interest.

2. Development Plan

No tourism or recreation development will be permitted in the Tourism Recreation zone until a comprehensive development plan has been submitted by the developer and approved by Council. A development plan will include the following:

(a) A full investigation of all biophysical features of the site and the opportunities and constraints to development that they represent.

(b) A demonstration of how the proposed development will be compatible with adjacent land uses.

(c) Location of all development components

(d) Internal roads and accesses,

(e) Parking areas

(f) Water supply and waste disposal

(g) Landscaping

(h) Buffers and screening between the site and other nearby land uses

(i) Delineation of the property to be developed on a legal survey

(j) Proposals on how the development will accommodate the transmission line and other land uses existing on the site.

(k) A demonstration of adequate access to the Trans Canada Highway satisfactory to the Department of Transportation and Works,

(l) A layout of internal roads and accesses, a description of road construction standards, and a description of how the developer proposes to keep the roads maintained.

A phasing plan may be required by Council. Also, at every stage of a phasing plan, a full report will be made by the developer to Council to ensure the continued integrity of the development plan.

3. Development Standards

(1) If the development adjoins a public street or highway, the development standards under the Commercial Highway Zone shall apply along with any additional requirements of Council, and, where applicable, the Department of Government Services for unserviced development..

(2) If the development does not front on or adjoin a public street or highway, the development standards shall be as determined by Council, and, where applicable the Department of Government Services for unserviced development.

2. Lot Frontage – See Regulation 54 of the General Development Standards

4. Emergency Services

(1) All access roads must be developed and maintained to an adequate standard to permit access by fire trucks and other emergency vehicles. Council will inspect

access roads on a regular basis. If the roads are not maintained to Council's satisfaction, operating permits may be cancelled.

(2) Provision for on-site fire fighting capability shall be provided by the developer to the satisfaction of Council.

5. Municipal Services

Uses that require the extension of municipal streets or piped services will not be approved unless the extension is provided by the developer.

6. Tourist Cottage Establishments and Campgrounds

(1) A proposed tourist cottage establishment or a campground, if being considered for approval as a discretionary use, will require a development plan satisfactory to Council containing the following information:

(a) Location and size of campsites and/or cottage units

(b) Internal roads and accesses

(c) Parking areas

(d) Accessory uses such as laundries, storage areas, showers, convenience store, staff accommodations, and outdoor and indoor recreation facilities

(e) Water supply and waste disposal

(f) Landscaping

(g) Buffers and screening between the site and other nearby land uses

(h) Delineation of the property to be developed on a legal survey

(i) Where deemed necessary by Council, a phasing plan for development.

(2) Commercial uses, washroom facilities, recreational areas, parking areas, laundries and similar facilities directly associated with the development will not be located on separate properties.

(3) All camp sites, cottages, and on-site facilities that form part of the development will be accessible only via the internal road network of the development.

(4) Council may require the development to include suitable buffers and screening on any portion of the development that abuts an existing or future public street or residential area. Any buffering or screening shall be maintained in a condition that is acceptable to Council.

(5) The development permit will specify the maximum number of cottage units and/or campsites for different uses such as tents and trailers that will be permitted on the site.

(6) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the discretionary approval of Council.

(7) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.

(8) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

7. Uses Permitted Only as Accessory Uses

In the Tourism Recreation zone, a restaurant, take-out, drinking establishment, convenience store, personal service, amusement use, subsidiary apartment, outdoor assembly use, and shop will be permitted only as an accessory use to another permitted or discretionary use in the zone.

8. Boarding and Riding Stables

(1) A boarding and riding stable will be subject to terms and conditions deemed necessary by Council.

(2) The keeping of livestock other than horses will not be permitted in the Tourism Recreation zone.

9. Subsidiary Apartments

(1) One or more subsidiary apartments may be permitted in a main commercial or other building to accommodate staff needed to operate a permitted use.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) The apartment will be used only to accommodate staff of a permitted main use.

(b) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.

(c) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

10. Major Tourism and Recreation Developments

Land extensive recreational facilities, multiple dwellings, and recreational dwellings can

be permitted in the Tourism Recreation zone at Council's discretion only if:

(a) The development forms part of a comprehensive commercial development related to a major tourism and/or recreational initiative, for example, a golf course, race track, or time-share residential development.

(b) Satisfactory provision is made for the development and maintenance of infrastructure and services such as water supply, sewage disposal and treatment, waste collection and disposal, roads, and electricity.

(c) The development meets all necessary environmental and other government approvals.

(d) It is demonstrated to the satisfaction of Council that the development will be able to operate independently of municipal services or other input.

11. Forestry, Agriculture, and Mineral Working

(1) A forestry, agriculture, or mineral working use, which may be permitted at the discretion of Council, will be restricted to locations and activities that are deemed by Council to be environmentally and aesthetically acceptable with respect to potential impacts on tourism and recreational developments.

(2) In addition to the requirements of this zone, an agricultural use will be subject to all requirements for agriculture set out in the Rural zone.

(3) In addition to the requirements of this zone, a mineral working use will be subject to all requirements for mineral working set out in the Rural zone.

12. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

13. Environmental Control

(1) All approved developments and utilities must be designed and constructed in accordance with high environmental standards as specified in terms and conditions established by Council.

(2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

14. Property Upkeep and Maintenance

Land and buildings in the Tourism Recreation zone will be landscaped and maintained to the satisfaction of Council.

15. Advertisements

See Part III – Advertisements.

ZONE TITLE INDUSTRIAL GENERAL "IG"	
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)
General industry Light industry Auto body shop Construction yard Energy generation facility General garage General service shop Fisheries facility Marine facility Mineral exploration Mini storage facility Office (See Condition 2) Shop (See Condition 2) Trucking/heavy equipment depot Open space Passive recreational use Conservation	Hazardous industry (See Condition 10) Mineral working (See Condition 7) Salvage yard (See Condition 6) Subsidiary apartment (See Conditions 2 & 9) Energy generation facility (See Condition 11)
DEVELOPMENT STANDARDS	
Minimum Frontyard (m)	8 (Council may require higher setbacks)
Minimum Sideyard (m)	5 & 1 (may be waived for buildings with adjoining walls)
Minimum Sideyard for Open Storage (m)	5
Min. Flanking Road Sideyard (m)	8
Minimum Rearyard (m)	15
Maximum Lot Coverage	40%
Maximum Height (m)	14

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations or the public interest.

2. Uses Permitted Only as Accessory Uses

In the Industrial General zone, an office, shop, and subsidiary apartment will be permitted only as an accessory use to another permitted or discretionary use.

3. Flammable Liquids Storage

All buildings, tanks, and structures related to the bulk storage of flammable liquids will conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.

4. Streets and Municipal Services

(1) All uses must be provided with streets and municipal services designed for industrial use including fire fighting capability.

(2) Industrial establishments must provide adequate off-street parking facilities for all employees and customers.

5. Outdoor Storage

(1) Outdoor storage and parking of materials and equipment will generally be permitted in the sideyards and rearyards of buildings. In certain circumstances, Council may permit outdoor storage in frontyards.

(2) Council may require fencing or other forms of screening where the quantity or type of material being stored would contribute to unsightly appearance.

6. Salvage Yards

Salvage yards will be subject to the following separation distances from other forms of development.

Type of Development	**Minimum Distance from Solid Waste Site or Salvage Yard**
Existing or future residential areas	200 metres
Other future development areas	100 metres
Public highway or street	50 metres
Watercourse or water body	50 metres

7. Mineral Working

(1) A mineral working use, which may be permitted at the discretion of Council, will be restricted to locations and activities that are deemed by Council to be environmentally and aesthetically acceptable.

(2) In addition to conditions that may be set by Council, a mineral working use will be subject to all requirements for mineral working set out in the Rural zone.

8. Screening and Landscaping

Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

9. Subsidiary Apartments

(1) One subsidiary apartment may be permitted in a main use if it deemed by Council as necessary for the operation of that use.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.

(b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

10. Hazardous and Noxious Uses

In accordance with Regulation 57, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

11. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

12. Advertisements

See Part III – Advertisements.

ZONE TITLE	**INDUSTRIAL LIGHT**	**"IG"**
PERMITTED USE CLASSES (See Regulation 101)		**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)
Light industry Automobile dealer or rental agency (See Condition 6) General service shop General garage Office Retail use (See Condition 6) Shop (See Condition 6) Taxi stand (See Condition 6) Truck/heavy equipment dealer (See Condition 6) Veterinary (See Condition 6) Warehouse or storage facility Open space Conservation		Auto body shop Communications Fire station Indoor market (See Condition 6) Kennel (See Conditions 6 & 9) Mineral exploration Outdoor market (See Condition 6) Recreational facility (See Condition 6) Recycling facility Service station Shopping centre (See Condition 6) Trucking/heavy equipment depot Subsidiary apartment (See Conditions 5 & 6) Energy generation facility (See Condition 10)
DEVELOPMENT STANDARDS		
Minimum Frontyard (m)		8 (Council may require higher setbacks)
Minimum Sideyard (m)		5 & 1 (may be waived for buildings with adjoining walls)
Minimum Sideyard for Open Storage (m)		5
Min. Flanking Road Sideyard (m)		8
Minimum Rearyard (m)		15
Maximum Lot Coverage		40%
Maximum Height (m)		14

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations or the public interest.

2. Streets and Municipal Services

(1) All uses must be provided with streets and municipal services designed for industrial use including fire fighting capability.

(2) Industrial establishments must provide adequate off-street parking facilities for all employees and customers.

3. Outdoor Storage

(1) Outdoor storage and parking of materials and equipment will generally be permitted in the sideyards and rearyards of buildings. In certain circumstances, Council may permit outdoor storage in frontyards.

(2) Council may require fencing or other forms of screening where the quantity or type of material being stored would contribute to unsightly appearance.

4. Screening and Landscaping

Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

5. Subsidiary Apartments

(1) One subsidiary apartment may be permitted in a main use if it deemed by Council as necessary for the operation of that use.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.

(b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

6. Compatibility with Industrial Uses

The main intent of the Industrial Light zone is to facilitate light industrial and related uses and activities. Non-industrial uses such as shops, shopping centres, personal services, and

indoor and outdoor markets will not be permitted unless Council is assured that they will be compatible and will not object to approved industrial and related activities in this zone.

7. Flammable Liquids Storage

All buildings, tanks, and structures related to the bulk storage of flammable liquids will conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.

8. Hazardous and Noxious Uses

In accordance with Regulation 57, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

9. Kennels

The establishment of a new kennel, if permitted as a Discretionary Use, will be subject to the following:

(a) It will be permitted only on a lot of 5,000 square metres or more, and

(b) It will adhere to such other terms and conditions of Council aimed at restricting the number and breed of dogs or cats on the premises and minimizing potential noise, odour, and other impacts on neighbouring land uses.

10. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

11. Advertisements

See Part III – Advertisements.

ZONE TITLE	**PUBLIC USE**	**"PU"**
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)	
Child care Cultural and civic Educational General assembly Indoor assembly Medical treatment and special care Office (See Condition 2) Outdoor assembly Place of worship Open space Recreational open space Conservation	Cemetery (See Condition 4) Club and lodge Catering (See Condition 2) Collective residential Penal and correctional detention Subsidiary apartment (See Conditions 2 & 5) Energy generation facility (See Condition 6) Mineral exploration	
DEVELOPMENT STANDARDS		
Minimum Frontyard (m)	8 (Council may require higher setbacks)	
Minimum Sideyard (m)	5 & 1 (may be waived for buildings with adjoining walls)	
Min. Flanking Road Sideyard (m)	8	
Minimum Rearyard (m)	8	
Maximum Lot Coverage	40%	
Maximum Height (m)	14	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations or the public interest.

2. Uses Permitted Only as Accessory Uses

In the Public Use zone, an office, catering use, and subsidiary apartment will be permitted only as an accessory use to another permitted or discretionary use.

3. Development Criteria

A development will be subject to the following criteria:

(a) It will meet the development standards or such higher standards as deemed necessary by Council.

(b) It will be located and designed to minimize the impact of traffic, noise, lighting, and signage on surrounding residential uses. Where necessary, Council may require screening through the provision of trees, shrubs, berms, landscaping, or fencing.

(c) With the exception of non-building uses, full municipal piped services will be required for new developments.

(d) It will provide for adequate off-street parking in accordance with "Schedule D".

(e) No change in the type or scale of the use will be permitted except in accordance with a development permit.

(f) It will be subject to such other conditions as Council deems necessary to ensure maximum compatibility with nearby residential uses.

4. Cemetery

The development and expansion of cemeteries will be subject to the following:

(a) The erection or display of advertisements specified in Regulation 73 is permitted without application to Council. No other advertisements related to cemeteries are permitted in this zone.

(2) A site design plan illustrating the location of the cemetery, access points, landscaping, and buffers with adjacent properties will be required prior to issuing a development permit.

5. Subsidiary Apartments

(1) One subsidiary apartment may be permitted in a main use if it deemed by Council to be necessary for the operation of that use.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.

(b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

6. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

7. Advertisements

See Part III – Advertisements.

ZONE TITLE RECREATIONAL OPEN SPACE "ROS"	
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)
Recreational open space Recreational facility Open space Passive recreational use Conservation	Cemetery (See Condition 3) Outdoor assembly Indoor assembly Club and lodge Collective residential Energy generation facility (See Condition 4) Mineral exploration
DEVELOPMENT STANDARDS	
Minimum Frontyard (m)	8 (Council may require higher setbacks)
Minimum Sideyard (m)	5 & 1
Minimum Rearyard (m)	8
Maximum Lot Coverage	40%
Maximum Height (m)	14

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations or the public interest.

2. Development Criteria

A development will be subject to the following criteria:

(a) It will meet the development standards or such higher standards as deemed necessary by Council.

(b) It will be located and designed to minimize the impact of traffic, noise, lighting, and signage on surrounding residential uses. Where necessary, Council may require screening through the provision of trees, shrubs, berms, landscaping, or fencing.

(c) With the exception of non-building uses, full municipal piped services will be required for new developments.

(d) It will provide for adequate off-street parking in accordance with "Schedule D".

(e) No change in the type or scale of the use will be permitted except in accordance with a development permit.

(f) It will be subject to such other conditions as Council deems necessary to ensure maximum compatibility with nearby residential uses.

3. Cemetery

The development and expansion of cemeteries will be subject to the following:

(a) The erection or display of advertisements specified in Regulation 73 is permitted without application to Council. No other advertisements related to cemeteries are permitted in this zone.

(2) A site design plan illustrating the location of the cemetery, access points, landscaping, and buffers with adjacent properties will be required prior to issuing a development permit.

4. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

5. Advertisements

See Part III – Advertisements.

ZONE TITLE	OPEN SPACE	"OS"
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)	
Open space Passive recreation Conservation	Cemetery (See Condition 3) Energy generation facility (See Condition 4) Mineral exploration	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations.

2. Development Criteria

A development will met the development standards deemed necessary by Council.

3. Cemetery

The development and expansion of cemeteries will be subject to the following:

(a) The erection or display of advertisements specified in Regulation 73 is permitted without application to Council. No other advertisements related to cemeteries are permitted in this zone.

(2) A site design plan illustrating the location of the cemetery, access points, landscaping, and buffers with adjacent properties will be required prior to issuing a development permit.

4. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

5. Advertisements

See Part III – Advertisements.

ZONE TITLE	**RURAL**	**"RUR"**
PERMITTED USE CLASSES (See Regulation 101)	**DISCRETIONARY USE CLASSES** (See Regulations 30 and 102)	
Agriculture (See Condition 6) Antenna Conservation Forestry (See Condition 7) Mineral exploration Open space Recreational open space General industry (See Condition 9) Light industry (See Condition 9) Mineral working (See Condition 5) Temporary dwelling (See Condition 2 & 8.3)	Aquaculture Boarding/riding stable Campground (See Condition 4) Catering (See Condition 2) Cemetery Construction yard Energy generation facility (See Condition 14) Kennel (See Condition x) Land extensive recreational facility Mining Outdoor amusement use Outdoor assembly (See Condition 2) Outfitter operation Recreational dwelling (See Condition 12) Recreational open space Salvage yard (See Condition 11) Shop (See Condition 2) Single dwelling (See Condition 2 & 8.2) Subsidiary apartment (See Condition 2 & 8.1) Tourist cottage establishment (See Condition 4)	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations.

2. Uses Permitted Only as Accessory Uses

In the Rural zone, catering uses, single dwellings, subsidiary apartments, temporary dwellings, shops, outdoor assembly uses, light industries, and general industries can be developed only as accessory uses to a main use or building permitted in the zone.

3. Development Criteria

A development will be subject to the following criteria:

(a) It must meet the development standards and conditions deemed necessary by Council.

(b) It must be located and designed to minimize the impact of traffic, noise, lighting, and signage on nearby residential uses. Where necessary, Council may require screening through the provision of trees, shrubs, berms, landscaping, or fencing.

(c) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.

(d) Permission to develop will be in accordance with a development permit issued by Council, and

(e) No change in the type or scale of the use will be permitted except in accordance with a development permit.

4. Tourist Cottages and Campgrounds

(1) A proposed tourist cottage or campground establishment will require a development plan satisfactory to Council containing the following information:

(a) Location and size of campsites and/or cottage units

(b) Internal roads and accesses

(c) Parking areas

(d) Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, staff accommodations, and outdoor and indoor recreation facilities

(e) Water supply and waste disposal

(f) Landscaping

(g) Buffers and screening between the site and other nearby land uses

(h) Delineation of the property to be developed on a legal survey

(i) Where deemed necessary by Council, a phasing plan for development.

(2) On-site water and sewer services must meet minimum standards required by relevant Provincial agencies and Council.

(3) Commercial uses, washroom facilities, recreational areas, parking areas, laundries and similar facilities directly associated with the development will not

be located on separate properties.

(4) All camp sites, cottages, and on-site facilities that form part of the development will be accessible only via the internal road network of the development.

(5) Council may require the development to include suitable buffers and screening on any portion of the development that abuts an existing or future public street or residential area. Any buffering or screening shall be maintained in a condition that is acceptable to Council.

(6) The development permit will specify the maximum number of cottage units and/or campsites for different uses such as tents and trailers that will be permitted on the site.

(7) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the discretionary approval of Council.

(8) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.

(9) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

5. Mineral Working Uses

5.1 Mineral Working Sites

A mineral working use will be subject to the following, unless otherwise authorized by Council:

(a) No new mineral working operation will be developed without a development permit issued by Council. The development, operation, termination, and rehabilitation of the mineral working site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.

(b) An application to Council for the development of an extraction pit or rock quarry will include a site development plan with the following information:

(i) the site's biophysical features
(ii) a delineation of the proposed extraction area
(iii) the type and location of aggregate processing equipment
(iv) a site rehabilitation plan (see Paragraph 5.4)

(c) No extraction of any sort will take place closer than:

(i) 50 metres from a watercourse or wetland,
(ii) 50 metres from a public street or highway,
(iii) 200 metres of a residential, commercial, or public building,

(d) No quarrying of hard rock will take place within 800 metres of a residential, commercial, or public building.

(e) All topsoil and organic material, including the rusty coloured and iron stained layer, will be securely stockpiled for future rehabilitation of the site. The operator will ensure that the topsoil is not mixed with aggregate materials.

(f) An undisturbed buffer strip will be maintained at least 30 metres wide between the final perimeter of a pit or quarry and the boundary of the lot on which it is located. Council may permit this buffer width to be reduced by up to 50% with the written consent of the adjacent property owner,

(g) Where a proposed mineral working site is located in the vicinity of a public street or highway, or an existing or proposed residential, commercial, or recreational area, Council may require the owner to provide for natural or artificial screening to obstruct visibility of the site.

(h) Council may require the mineral working site or excavated area to be fully or partially enclosed by a fence designed and constructed to Council's specifications.

(i) No mineral working shall create excessive drainage or erosion onto adjacent properties or into nearby watercourses.

(j) No mineral working shall cause the accumulation or ponding of water in any part of the site. Settling ponds will be permitted only with approval from the Department of Environment and Conservation.

(k) The mineral working site shall be kept clean of refuse, abandoned vehicles, abandoned equipment and derelict buildings.

(l) During seasonal or other extended periods of shutdown, the slope of any sand or gravel embankment shall not have a gradient steeper than 60% for the full depth thereof, and

(o) Other such conditions that Council deems as necessary.

5.2 Permit Fee

The development permit fee for a mineral working will be determined by Council in an amount sufficient to cover costs associated with

(a) A review of the development plan by a professional planner or engineer,
(b) Regular inspections of the site to determine conformity with the permit, and
(c) Inspections to determine acceptable site rehabilitation in accordance with the rehabilitation plan

5.3 Mineral Working Processing Plant

(1) Council can permit a mineral working processing plant (e.g. washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.

(2) Council can specify a minimum separation distance between a processing plant and an existing residential, commercial, public, or recreational area.

5.4 Site Rehabilitation

(1) A development application for a new mineral working site will not be approved unless it includes a plan for site rehabilitation acceptable to Council.

(2) Council can require the extraction site to be rehabilitated at progressive stages of excavation or after the mineral working operation has terminated.

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

(a) All buildings, machinery and equipment shall be removed,
(b) All pit and quarry slopes shall be graded to a slope of less than 60 percent,
(c) The entire excavated area will be rehabilitated in accordance with the rehabilitation plan.
(d) If required, the closure or decommissioning of the access road in accordance with Paragraph 10.

6. Minimum Distance Separations for Livestock Facilities

(1) New development and expansions of livestock facilities located near residential and other non-agricultural uses will be subject to the minimum separation

distance requirements specified in Regulation 51 of the Development Regulations.

(2) New development and expansions of residential and other non-agricultural uses located near livestock facilities will be subject to the minimum separation distance requirements specified in Regulation 51 of the Development Regulations.

7. Forestry

Forestry activities must preserve scenic views from the community. Council can set conditions for forest harvesting and silviculture activities in areas within or visible from any built-up area of the town.

8. Accessory Residential Uses

8.1 Subsidiary Apartments

(1) One subsidiary apartment may be permitted in the building of a main use if it deemed by Council to be necessary for the operation of that use.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.

(b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

8.2 Single Dwellings

At Council's discretion, a single dwelling can be permitted that is accessory to a commercial agricultural operation, boarding stable, or other main use subject to the following:

(a) It is demonstrated to Council's satisfaction that the main use is a bona fide commercial operation from which the owner derives a major portion of his or her income, and

(b) It is demonstrated to Council's satisfaction that full-time habitation on the site is necessary for the feasible operation of the main use.

8.3 Temporary Dwellings

At Council's discretion, a temporary dwelling can be permitted that is accessory to a main use subject to the following:

(a) It is demonstrated to Council's satisfaction that temporary habitation on the site is necessary for the feasible operation of the main use.

(b) It will not be the full-time residence of any person,

(c) It will not be used for any purpose other than as an accessory dwelling to the main use,

(d) It will be erected only on the ground surface and will not have any portion of its foundation underground,

(e) It will be erected and located in such a manner that in the opinion of Council, it can be easily dismantled or removed upon termination of the operation, and

(f) It will be removed from the site as soon as the permitted use ceases to operate.

9. General and Light Industry

Industrial uses will be restricted to general and light industrial uses that are directly related to forestry, agriculture, aquaculture, mining, or mineral working, or that meet the following criteria:

(a) The use is unsuitable for a built-up area by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, or glare.

(b) The use requires large outdoor areas for open storage and handling of materials, goods, and equipment.

(c) The use is capable of being serviced by on-site water and sewage services.

(d) The use can be screened from public streets and lands designated for urban uses.

(e) The use generates low volumes of traffic.

(f) The use will have no deleterious effects on the environment.

(g) The use will not include warehousing, wholesale, or retail activities.

10. Access Roads

(1) Roads constructed to provide access for resource harvesting or extraction or a permitted industrial use will require a development permit from Council. All road construction will be subject to the conditions of the Department of Environment and Conservation.

(2) No access road will pass through a built-up residential area.

(3) Council may set conditions related to the location, design, construction, operation, and decommissioning of an access road.

(4) Council may require an access road to be closed to access by the general public during shutdown periods to provide for security, public safety, and environmental protection.

(5) After the operation has terminated, Council can require an access road to be closed permanently to public access or fully decommissioned so that it is not passable by wheeled vehicles.

11. Salvage Yards

The development of a new salvage yard will adhere to the following separation distances from sensitive areas or other forms of development.

Type of Development	Minimum Separation Distance
Existing or proposed residential areas	300 metres
Any other built-up area likely to be developed	150 metres
Public highway or street	50 metres
Watercourse or water body	50 metres

12. Recreational Dwellings

(1) Recreational dwellings may be permitted on land west of the main power transmission line and the proposed NALCOR transmission line.

(2) Recreational dwelling lots are subject to the following standards:

Standards	Camps
Minimum Lot Size	0.4 hectares
Minimum Lot Width	54 m
Minimum Lot Depth	38 m
Minimum Frontyard Setback	15 m
Minimum Sideyard Setback	3 m
Minimum Rearyard Setback	7.5 m
Minimum Distance Between Buildings	3 m
Maximum Floor Area (including basement)	75 m^2

13. Hazardous and Noxious Uses

In accordance with Regulation 57, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

14. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to Regulation 64 of the General Development Standards.

15. Advertisements

See Part III – Advertisements.

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2020

SCHEDULE D

LOADING AND PARKING REQUIREMENTS

SCHEDULE D - OFFSTREET LOADING AND PARKING REQUIREMENTS

1. Off-Street Loading Requirements

(1) Where Council deems necessary, for every building, structure or use requiring the shipping, loading or unloading of animals, goods, wares or merchandise, one or more loading spaces will be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space will have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.

(2) The number of loading spaces to be provided will be determined by Council.

(3) The loading spaces required by this Regulation will be designed so that vehicles can manoeuvre clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.

2. Parking Area Standards

(1) For every building, structure or use to be erected or enlarged, 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 on-street parking of vehicles associated with that building, structure or use.

(2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D, except as otherwise modified by Schedule C, of these Regulations.

(3) Each parking space, except in the case of a single or attached dwelling, will be made accessible by means of a right-of-way at least 3 metres wide.

(4) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings. Parking space for apartment buildings will be provided in the rear yard where possible.

(5) Non-residential parking spaces shall be provided not more than 200 metres distant from the use for which the parking is required.

(6) The parking facilities required by this Regulation will, 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.

(7) Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking stall will be as follows:

Parking stall width	2.5 metres
Parking stall length or depth	5.5 metres
Aisle width separating opposite parking stalls	7.0 metres
Aisle width separating a stall from another obstruction	7.0 metres
Driveway width	7.0 metres

Where Council permits parking horizontal to the curb, the minimum length of the stall will be 7.00 metres and the aisle width will be at least 4 metres, or more if deemed necessary by Council.

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

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

(a) The parking area will be constructed and maintained to the specifications of Council,

(b) Lights for illumination of the parking area will be arranged so as to divert the light away from adjacent development,

(c) Except on a service station or industrial lot, no gasoline pump or other service station equipment will be located or maintained in a parking area,

(e) No part of any off-street parking area will be closer than 1.5 metres from the front lot line in any zone,

(f) Where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and Council will use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.

3. Off-Street Parking Requirements

(1) The off-street parking requirements for the various use classes set out in Schedule B will be as set out in the following table, except as otherwise set out in Schedule C. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.

(2) Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same lot as the development unless otherwise stipulated by Council.

(3) The number of spaces to be provided for off-street parking will be in accordance with the following table.

CLASS	**MINIMUM OFF-STREET PARKING REQUIREMENT**
Theatre	One space for every 6 seats.

Cultural and Civic	One space for every 60 square metres of gross floor areas.
General Assembly	One space for every 15 square metres of gross floor area.
Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 6 seats.
Passenger Assembly	As specified by Council.
Club and Lodge	One space for every 3 persons that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	One space for every 12 square metres of gross floor area.
Child Care	One space for every 30 square metres of gross floor area
Amusement	One space for every 15 square metres of gross floor area.
Outdoor Assembly	As specified by Council.
Campground	As specified by Council.
Penal and Correctional Detention	As specified by Council.
Medical Treatment and Special Care	Once space per 22 square metres of suite or ward area
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every two dwelling units.
Collective Residential	As specified by Council.
CLASS	**MINIMUM OFF-STREET PARKING REQUIREMENT**
Boarding House Residential and/or Bed and Breakfast	As specified by Council.
Commercial Residential	One space for every guest room.
Mobile and Mini Homes	Two spaces for every dwelling unit.
Office	One space for every 25 m^2 of gross floor area.
Medical and Professional	One space for every 25 m^2 of gross floor area.
Personal Service	One space for every 25 m^2 of gross floor area.
General Service	One space for every 25 m^2 of gross floor area.
Communications	As specified by Council.
Police Station	As specified by Council.
Taxi Stand	As specified by Council.
Take-out Food Service	One space for every 25 m^2 of gross floor area.
Veterinary	One space for every 25 m^2 of gross floor area.
Shopping Centre	One space for every 18 m^2 of gross floor area.
Shop	One space for every 20 m^2 of gross floor area.
Indoor Market	As specified by Council.
Outdoor Market	As specified by Council.
Convenience Store	One space for every 20 m^2 of gross floor area.

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

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2020

APPENDIX A

Provincial Policy for Infilling Bodies of Water

Policy for Infilling Bodies of water

POLICY DIRECTIVE				
Division:	Water Resources Management		P.D.	W.R. 91-1
Prepared By:	Martin Goebel, P.Eng.		Issue Date:	April 1, 1991
Approved By:	Martin Goebel	Director	Re-Issue Date:	Jan 17, 2001
Approved By:	Ken Dominie	ADM	Review Date:	
Authorized By:	Paul L. Dean	DM	Superseded:	
	Oliver Langdon	Minister	Cancelled:	

Subject:

Infilling Bodies of Water.

1.0 OBJECTIVE

To adopt a consistent approach to development proposals involving infilling bodies of water in order to protect the water resource, the adjacent lands and the development itself.

2.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

3.0 INTRODUCTION

A recent trend has been observed by the Water Resources Management Division for various developers and proponents to request environmental approval for infilling bodies of water. The purpose of most of such requests is to make new land for property development for a variety of uses. Granting of approvals without reasonable justification gives a mistaken impression that this department is not consistently and adequately protecting the water resources of this province as required under the Act.

Proponents can be classified into several categories:

- private individuals
- municipalities or community councils
- voluntary or service organizations
- commercial developers

Infilling projects affect the natural environment in terms of the ecology, hydrology, hydraulics and aesthetics of flood plains, ponds and lakes as well as coastal marine areas. Such infilling often does not give due recognition to the value of the water resource involved nor does it recognize common hazards such as flooding and erosion.

The proximity of water to such developments is creating an additional future liability for the province. Should there be flooding or erosion of the filled area, will the proince be obliged to undertake emergency rescue or protection of occupants and property? Would the province be obliged to provide compensation for damage. If flood protection measures are implemented in the future, will the province be forced to expropriate the owners in order to gain access to the body of water?

Current literature on the topic of climate change indicates that global warming may cause increases in sea levels. In a report by Environment Canada entitled *"Socio-Economic Assessment of the Physical and Ecological Impacts of Climate Climate on the Marine Environment of the Atlantic Region of Canada - Phase 1"* the impact on coastal infrastructure based on a one metre rise in mean sea level over the next 50 years is projected to cost in the billions of dollars. Losses include urban waterfront land, buildings with a life expectancy of 50-75 years, breakwaters, bridges and causeways, roads and railways. It can be safely assumed that areas presently prone to flooding will be prone to more severe and more frequent flooding in the future.

4.0 POLICY

4.1 The highwater level is taken to be the 1:100 year return period water level. For freshwater this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations the level must include maximum tides, waves, wind setup, storm surge and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

4.2 Any proposed infilling within fifteen (15) metres of a body of water measured horizontally inland perpendicular to the shoreline at the highwater level of that body of water as defined in the Act will be subject to Section 48 of the Act.

4.3 Any request for approval involving infilling within a minimum of fifteen (15) metres of the highwater level of a body of water may only be permitted in exceptional circumstances where no other reasonable alternative exists. The onus will be upon the proponent to show that land more suitable for the intended purposes cannot be obtained in or near the community or area.

4.4 Infilling required in connection with marine related development such as fishing facilities, wharves, fish plants, boathouses, marinas and such developments, which of necessity must be located on riparian or coastal lands, may be permitted subject to Section 48 of the Act.

4.5 Infilling to permit municipal or public sector projects which are essential to the public good such as infilling to permit the placement of roads, bridges, hydro lines, sewer and water facilities or similar undertakings, may be permitted subject to Section 48 provided that no other reasonable alternatives are available and that the land will remain public property.

4.6 Infilling to permit industrial expansion as for instance in mining, oil development, power development or any other beneficial undertaking may be permitted subject to Section 48 of the Act provided that the project has been registered and released from all further requirements under the *Environmental Assessment Act* and that the registration and any subsequent Environmental Preview Reports or Impact Statement clearly discussed all infilling requirements.

4.7 Infilling of very small ponds or freshets that do not appear on 1:50,000 scale Newfoundland topographic maps and where the land is better utilized for agricultural or other purposes may be permitted subject to Section 48 of the Act.

4.8 Infilling to permit improvements to the environment may be permitted subject to Section 48 provided that the land and facilities will remain public property. Examples of such projects may include community recreation areas, playgrounds, nature areas, public beaches, breakwaters, and other similar land uses.

4.9 Any land created by approved infilling must not be vulnerable to flooding and related effects such as erosion. Furthermore, permitted infilling may in no way impact on or increase any risk of flooding or alter the drainage of any adjacent property.

4.10 Applicants for Crown Lands will be advised that their application will not be considered for approval unless the proposed use(s) will meet the requirements of this policy directive.

For additional information on this topic or any other water resources related topics please contact us

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2020

APPENDIX B

Provincial Policy for Floodplain Management

Policy for Flood Plain Management

POLICY DIRECTIVE			
Division:	Water Resources Management	P.D.	W.R. 96-1
Prepared By:	Amir Ali Khan, P. Eng	Issue Date:	May 13, 1996
Approved By:	Haseen Khan Director	Re-Issue Date:	March 19, 2014
Approved By:	Martin Goebel ADM	Review Date:	
Authorized By:	Jamie Chippett DM	Superseded:	
	Joan Shea Minister	Cancelled:	

Subject:

Flood Plain Management

1.0 INTRODUCTION

Land use within flood plains involves trade offs between flood risk and development. Flood risk takes the form of danger to health and safety, financial costs associated with property damage and degradation of water resources and the environment. Some factors associated with flood risk such as flow velocity, upstream inundation, erosion potential or environmental impacts may be severe. Consequently, new land development should therefore be restricted or prohibited. However, where conditions are not as severe, some types of development and land use may occur safely provided certain terms and conditions apply.

2.0 OBJECTIVES

- to prevent loss of human life and avoid personal hardships,
- to minimize flood damage to properties, infrastructure and the environment,
- to restrict activities which would degrade water resources,
- to maintain the natural capability of waterways to convey flood flows,
- to minimize disruption of transportation, social and business activity, and,
- to minimize costs to the taxpayers of Newfoundland and Labrador.

The unwise development of land in flood plains has historically taken place in many areas of the province probably due to a natural tendency for settlers to utilize land that is near bodies of water. Unfortunately, the potential for flooding is often recognized only after it is too late. The basic operating premise of this policy is that these problems will not materialize if development takes place in a manner that does not place it at any risk of flooding.

The policy will address Crown land, developed land and undeveloped land. Where lands that are subject to periodic flooding are still directly owned by the Crown, those lands will not be transferred to private developers or municipalities. However, where land is already alienated, it is necessary to determine the risk of flooding and to discourage potential development by planning, zoning regulations and by removing any economic advantages or subsidies that would otherwise

encourage such development. Finally, where development has already taken place or cannot be avoided, policy is intended to minimize potential flood damage by ensuring that flood proofing measures are implemented and that the development does not further exacerbate the flooding problem by impeding flows or by unduly constricting the flow channel. The policy also takes climate change into consideration.

3.0 BACKGROUND

Canada - Newfoundland Flood Damage Reduction Program

Under the Canada - Newfoundland Flood Damage Reduction Program, both governments agreed that public funds would not be used or provided for development projects in flood risk areas. To identify these areas, hydrotechnical studies were carried out for 37 communities in the province. Without exception, the main recommendation in each study was that the implementation of proper flood plain management policies would minimize flood risk.

4.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the *Act*") sections 30, 32, 33, 34, 35, 48, 64 and 90, the *Lands Act* SNL1991 CHAPTER 36 Section 7.

5.0 DEFINITIONS

Body of Water	(Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land usually or at any time occupied by that body of water;
Flood Plain	An area adjacent to a lake, river, seashore etc. which is inundated or covered with water on average at least once in 100 years. Note that a flood plain is considered to be an integral part of a body of water as defined above because it includes "the land usually or at a time occupied by that body of water" and "whether that source usually contains water or not".
Designated Area	A specific flood plain in a community for which a hydrotechnical study has determined the extent of flooding and for which flood risk maps are available. The designation is in accordance with the Canada - Newfoundland Flood Damage Reduction Program Agreements.
Floodway	The portion of a flood plain where the most frequent flooding occurs and where the flow of water is fastest. This area is determined on the basis of the 1 in 20 year (1:20) return period flood.
Floodway Fringe	The portion of a flood plain where less frequent flooding occurs and where the flow of water is considered to be tranquil. This area is where flooding occurs up

	to 1 in 100 years (1:100) on average.
Climate Change Flood Zone	Based on extension of the floodway fringe, this is the area which is likely to be impacted due to the latest forecasted affects of climate change.
Other Flood Risk Area	An area where flooding is known or has some probability to occur due to unique or unusual circumstances such as areas subject to shoreline recession, areas downstream of dams or areas adjacent to watercourses potentially prone to ice jams.
Flood Control Area	An area that is subject to periodic flooding which has been designated (by the Department) a control area in order to reduce the risks to public health and safety and property damages. This area shall normally be treated as a floodway zone (1:20), unless otherwise determined by the Department.
Buffer Zone	A zone of land that is in its natural state and that is intended to separate developed areas from bodies of water to provide basic protection of water resources. This zone may coincide with a Crown land reservation of a shoreline as prescribed by Section 7(1) of the *Lands Act*. In the absence of specific setback requirements (depending on the activity) the buffer is taken to be 15 metres measured from the high water mark which in turn is understood to be the 1 in 100 year (1:100) high water mark or the Climate Change Flood Zone, where they have been identified.
Coastal Area	The interface or transition area where the land meets the sea/ocean or large inland lakes. The coastal area can be flooded due to storm surges, high tidesor waves, erosion, rising sea level,or reclaimed land.

6.0 POLICIES

6.01 Development Requires Written Approval

Development in a designated flood risk area, development in a flood plain and development in a climate change flood zone shall be subject to the prior written approval of the Minister of Environment and Conservation (the "Minister") in accordance with the *Act*.

6.02 Project Categories

In general it is the policy of the Department of Environment and Conservation ("the Department") that flood plains and the buffer zone be preserved and left in their natural state. Recognizing that this is an ideal that would hinder significant benefits that could be derived from certain development in a flood plain and outweigh all risk of loss, damage or peril, this policy for flood plain management views any application to avail of land in flood risk areas in decreasing order of preference. These preferences are referred to hereafter as project categories.

1. **Temporary alterations** in a buffer zone, a climate change flood zone, a designated floodway fringe, a flood plain, a designated floodway, and lastly, the body of water itself.
2. **Non-structural uses** such as open space recreation, pasture, and wildlife habitat enhancement.

3. **Structures related to use of water resources** such as wharves, slipways, boathouses, pumping stations, storm or sewerage discharges.
4. **Minor structural or other projects** where only soil disturbance is involved such as constructed trails, pipelines, transmissions lines, roads, etc., assuming there will be no change in the grade of the land.
5. **Other structures not used primarily for residential**, commercial, industrial or institutional purposes where there will be a change in grade but not a building.
6. **Industrial uses related to the marine shipping** or fishing industries.
7. **Other industrial and commercial** development.
8. **Institutional** developments such as hospitals, senior citizens homes, homes for special care or schools where flooding could pose a significant threat should evacuation become necessary.
9. **Residential and other institutional** development.

6.03 Hydraulic Structures

A special class of structures which includes most hydraulic structures such as dams, bridges, causeways, dykes, canals etc., are by their own needs and characteristics constructed in buffer zones and flood plains and consequently, no preference can be assigned. However, such structures are the subject of the *Act* and every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.

6.04 Project Classifications

Table 1 below indicates whether not project categories are permitted in each of the defined flood plains.

Category	All Flood Plains	Where Flood Plains are Designated		
		Floodway (1:20 year Zone)	Floodway Fringe (1:100 year Zone)	Climate Change Flood Zone
Temporary alterations	Permitted	Permitted	Permitted	Permitted
Non-structural uses	Permitted	Permitted	Permitted	Permitted
Structures related to use of water resources	Permitted	Permitted	Permitted	Permitted
Minor structural or other projects	Permitted	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Other structures not used primarily for residential	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Industrial Uses related to shipping (marine only)	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Other industrial and commercial	Not Permitted	Permitted with conditions**	Permitted with conditions*	Permitted with conditions*
Institutional	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Residential and other institutional	Not Permitted	Not Permitted	Permitted with conditions*	Permitted with conditions*
Hydraulic Structures	Permitted	Permitted	Permitted	Permitted

* - See Section 6.05 for special terms and conditions related to necessary flood proofing measures.

** - See Section 6.06 for special terms and conditions related to necessary flood proofing measures.

Note: All permits contain standard terms and conditions.

6.05 Projects Permitted Where Flood Plains Are Designated

In Table 1 where projects may be permitted with conditions, the following conditions will apply:

i. the ground floor elevation of the structure is higher than the 1:100 year flood level and the climate change flood zone (where designated), and,
ii. the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties, and,
iii. the structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
iv. the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,
v. additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Act*.

6.06 Projects Permitted in Coastal Floodway Where Flood Plains Are Designated

In order to accommodate tourism activities in coastal areas, such as eateries, attractions, tourist information booths, tour headquarters etc., in Table 1 if the floodway (1:20 year zone) flooding in a coastal community is primarily due to backwater effects of the ocean and extreme high tides and consequently the flow velocities in the floodway are low, the following conditions will apply:

i. only a tourism related structure and the associated utilities are permitted. The tourism related structures and the associated utilities does not include accommodations such as motels or hotels, and,
ii. the tourism related structure and the associated utilities would not be eligible for flood disaster compensation, and,
iii. the ground floor elevation of the structure is higher than the 1:100 year flood level and the climate change flood zone (where designated), and,
iv. the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties, and,
v. the structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
vi. the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,

vii. additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Act*.

6.07 Additions and Modifications to Existing Development

Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within the flood plain, will be assessed for suitability in the same way as the project category as a whole.

6.08 Use of Flood Risk Mapping in Municipal Plans

Where flood risk mapping has been prepared for a community (or any city, town or area) the information in the flood risk maps must be incorporated in the Municipal Plan (if one exists) and the flood risk areas must be zoned so as to permit only those project categories specified by this policy. In the absence of official flood risk mapping, communities will be encouraged to determine flood risk areas in accordance with this Department's standard hydrotechnical methods for delineating flood risk zones and to zone those lands in accordance with this policy. Failing this, communities will be encouraged to at least make provisions in planning documents for minimum setbacks from watercourses to provide some margin of safety and to recognize potential flood susceptibility.

6.09 Eligibility for Flood Disaster Assistance

Any vulnerable development placed in a flood plain or designated flood risk area after the designation and not in conformance with this policy or without approval as required by this policy, would not be eligible for flood disaster compensation if such a program of compensation were to become available through government. This policy provision does not apply to any development lawfully established in a flood plain prior to designation.

6.10 Use of Flood Disaster Compensation

In the event that compensation by government is awarded to flood victims, it will be the policy of this Department to encourage victims to apply the compensation towards relocating rather than replacing or repairing damaged property in situ. If it is deemed acceptable by this Department to repair or replace damaged property in flood risk areas, then it will be required that the compensation be used firstly for appropriate flood proofing measures.

6.11 Flood Insurance

Persons living or carrying out business in flood risk areas may not be able to purchase flood insurance and if available it may be very expensive. It is therefore recommended that those who are located in flood risk areas carry out flood proofing measures and have an emergency plan available.

6.12 Flood Control Projects

Proposals for flood control measures such as construction of dykes, river diversions, retaining walls or flood control dams will only be considered where the alternative with the highest benefit/cost ratio is recommended. Alternatives considered may also include possible compensation for flood victims or the cost of relocating the inhabitants of the flood risk areas or maintaining the status quo.

After flood controls have been implemented, flood risk designations shall remain in effect until such time as new hydrotechnical studies have been undertaken and new flood risk areas delineated (in accordance with the Departments standards).

6.13 Role of Water Resources Management Division

The Water Resources Management Division of this Department will continue as the lead agency with respect to flood plain management. This role will include but is not limited to:

i. Evaluating all applications for approval under section 48 of the *Act* and making the appropriate recommendations in accordance with this policy.
ii. Carrying out hydrotechnical studies, flood risk analyses and mapping to the extent possible with limited funds provided.
iii. Continuing to monitor areas of flood risk such as Badger, Deer Lake and Steady Brook to provide flood warning and flood status reports.
iv. Providing to the public information, data, maps, guidelines for flood proofing and other materials that will be useful in reducing flood damage.
v. Providing technical expertise and assisting Fire and Emergency Services – Newfoundland and Labrador in the event of a flood emergency.
vi. Continue with the ability to forecast flooding using computer models and real time data.

6.14 Offences

A municipal authority or person that unlawfully alters a body of water by carrying out any development in a designated flood risk area or a flood plain without written approval from the Minister, thereby violates section 48 of the *Act* and commits an offence contrary to section 90 of the *Act*.

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2020

APPENDIX C

Provincial Policy for Development in Shore Water Zones

Policy for Development in Shore Water Zones

POLICY DIRECTIVE				
Division:	Water Resources Management		P.D.	W.R. 97-1
Prepared By:	Anil Beersing		Issue Date:	June 3, 1997
Approved By:	Martin Goebel	Director	Re-Issue Date:	Jan 17, 2001
Approved By:	Ken Dominie	ADM	Review Date:	
Authorized By:	Paul L. Dean	DM	Superseded:	
	Oliver Langdon	Minister	Cancelled:	

Subject:

Development in Shore Water Zones

1.0 INTRODUCTION

The shore water zone is the interface between land and water, and includes the land along the edge of an ocean, or a fresh water body. The shore water zone owes its unique ecological attributes to the area encompassing both the land draining into the water body and the water body itself. Unplanned and imprudent development on shore water zones, including infilling and waste disposal, may have detrimental effects on water quality, water quantity, and on terrestrial and aquatic life and habitat. Human impacts on salt water shore zones, caused by, for example, untreated sewage disposal, surface runoff from urban and industrial sites, etc., has led to closures of bays to aquaculture and shellfish harvesting. The economic impacts of environmental damage of fresh water shore zones include loss of recreational opportunities, depreciation of land values, etc. Shore water zones are also areas that are subject to flooding, with possible adverse impacts on life and property along the zones.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act, SNL 2002 cW-4.01,* for all development activities in and affecting shore water zones. The objective of the policy is to permit developments of shore water zones such that potential economic losses and impacts on water quantity, water quality, and terrestrial and aquatic habitats and life are minimized.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

Body of Water

(Statutory definition from the Act) "body of water" means a surface or subterranean

source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

Shore Water Zone

"Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone.

Development

"Development" means the carrying out of an activity or operation which includes construction of wharves, moorings, jetties, other docking facilities, marinas, boathouses, etc., mechanical disturbance of the land, infilling, drainage, dredging, channelization, erosion control works, and removal of vegetation on shore water zones for social or economic benefits, or any change in the use or the intensity of use of any shore water zone.

5.0 POLICIES

5.1 High Water Level of a Water Body

The high water level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations, the level must include maximum waves, wind setup, storm surge, and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

5.2 Developments Not Permitted

5.2.1 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which could aggravate flooding problems will not be permitted.

5.2.2 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have unmitigable adverse water quality impacts on the shore water zones will not be permitted.

5.2.3 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have significant impacts on water circulation patterns within the shore water zones or on sediment deposition or accretion or removal rates along the shore water zones will not be permitted.

5.2.4 Placing, depositing or discharging into shore water zones of any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of the shore water zones will not be permitted.

5.2.5 Construction of extensive paved surfaces along a shore water zone which changes the intrinsic character of the shore water zone will not be permitted.

5.3 Developments Requiring Written Permission

The following developments on or along shore water zones will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the Act:

5.3.1 Limited removal of surface vegetation cover for the construction of marinas, boathouses, jetties, wharves, moorings, and other docking facilities.

5.3.2 Construction of marinas, boathouses, jetties, wharves, moorings and other docking facilities which would require only minor disturbances to water circulation patterns within the shore water zone and which have limited impacts on sediment deposition or accretion rates along the shore water zone.

5.3.3 Extension and upgrading of existing buildings, structures and facilities within shore water zone areas.

5.3.4 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., along shore water zones.

5.4 Implementation of Mitigative Measures

All developments which are permitted within shore water zones and which could result in potentially adverse changes to water quantity or water quality of the shore water zone will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.5 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on shore water zones.

For additional information on this topic or any other water resources related topics please contact us

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2020

APPENDIX D

Provincial Policy for Development in Wetlands

Policy for Development in Wetlands

POLICY DIRECTIVE				
Division:	Water Resources Management		P.D.	W.R. 97-2
Prepared By:	Anil Beersing		Issue Date:	June 2, 1997
Approved By:	Martin Goebel	Director	Re-Issue Date:	Jan 17, 2001
Approved By:	Ken Dominie	ADM	Review Date:	
Authorized By:	Paul L. Dean	DM	Superseded:	
	Oliver Langdon	Minister	Cancelled:	

Subject:

Development in Wetlands

1.0 INTRODUCTION

Wetlands, which include bogs, fens, marsh, swamps, and shallow water, collect and store runoff, moderate and attenuate downstream flood flows, reduce downstream flooding and erosion, clean and purify water, recharge groundwater zones, and provide unique habitat for plants and animals. The wetlands of Newfoundland and Labrador are increasingly being altered from their natural state to support alternative land uses such as agriculture, urbanization, industrial development, and recreation. Unplanned and imprudent development of wetlands, including drainage, infilling, and channelization, have detrimental effects on the wetlands' and downstream water quality and water quantity, and on terrestrial and aquatic habitat, life, flora and fauna. The potential consequences of impacts on water resources include structural damage to bridges and culverts from increased flood flows; river bed erosion causing siltation; and detrimental impacts on fish resources, drinking water quality and recreational uses of water bodies.

The problem facing wetland management is that the ecological and socio-economic benefits of these ecosystems are usually not directly measurable and in many instances are not recognized until it is too late. The extensive nature of wetlands, peatlands in particular, in this province means that there is room for more developments to occur to meet social and economic needs, as long as hydrologic and environmental impacts are minimized.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.011, for all development activities in and affecting wetlands. The objective of the policy is to permit developments in wetlands which do not adversely affect the water quantity, water quality, hydrologic characteristics or functions, and terrestrial and aquatic habitats of the wetlands.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

Body of Water

(Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

Wetland

(Statutory definition from the Act) "wetland" means land that has the water table at, near or above the land surface and includes bogs, fens, marshes, swamps and other shallow open water areas

Wetland development

"Wetland development" means the carrying out of an activity or operation which includes the construction of ditches, mechanical disturbance of the ground, alteration of normal water level fluctuations, infilling, drainage, dredging, channelization, and removal of vegetation cover and/or organic matter on a wetland for social or economic benefits, or the making of any change in the use or the intensity of use of any wetland which affects its hydrologic characteristics or functions.

5.0 POLICIES

5.1 Developments Not Permitted

5.5.1 Infilling, drainage, dredging, channelization, removal of vegetation cover or removal of soil or organic cover of wetlands which could aggravate flooding problems or have unmitigable adverse water quality or water quantity or hydrologic impacts will not be permitted.

5.5.2 Developments of wetlands which are located within the recharge zones of domestic, municipal or private groundwater wells will not be permitted.

5.5.3 Placing, depositing or discharging any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of wetlands will not be permitted.

5.2 Developments Requiring Written Permission

The following developments affecting wetlands will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the Act:

5.2.1 Removal of the surface vegetation cover of wetlands for extraction of peat, or for preparing the area for agricultural or forestry activities.

5.2.2 Construction of ditches, tile fields and other types of flow conveyances to drain wetlands for extraction of peat, or for preparing the area for agricultural or forestry operations.

5.2.3 Removal of the top soil or organic cover of wetlands for use as horticultural or fuel peat, or for preparing the area for agricultural or forestry activities.

5.2.4 Infilling, dredging, or any other disturbance of wetlands for the construction of permanent or temporary roads, bridges, culverts, trails, power and telecommunication transmission lines, pipelines, etc., through wetlands which would necessitate only minor disturbances to the vegetation and organic cover, the flow drainage pattern of the area and ground slope.

5.2.5 Infilling, dredging or other disturbance of wetlands for the construction of residential, commercial, industrial and institutional facilities or extension and upgrading of existing buildings and facilities within wetland areas.

5.2.6 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., on wetland areas.

5.2.7 Construction of flow control structures to alter the normal water level fluctuations of wetlands for the purposes of enhancing the quality or quantity of fish and other wildlife habitat.

5.3 Implementation of Mitigative Measures

All uses and developments of wetlands resulting in potentially adverse changes to water quantity or water quality or hydrologic characteristics or functions of the wetlands will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.4 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on wetland areas.

For additional information on this topic or any other water resources related topics please contact us

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2020

APPENDIX E

MINISTERIAL DEVELOPMENT REGULATIONS

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

REGULATIONS

Analysis

1. Short title

2. Definitions

3. Application

4. Interpretation

5. Notice of right to appeal

6. Appeal requirements

7. Appeal registration

8. Development prohibited

9. Hearing notice and meetings

10. Hearing of evidence

11. Board decision

12. Variances

13. Notice of variance

14. Residential non conformity

15. Notice and hearings on change of use

16. Non-conformance with standards

17. Discontinuance of non-conforming use

18. Delegation of powers

19. Commencement

Short title

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

Back to Top

Definitions

2. In these regulations,

(a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000* ;

(b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;

(c) "authority" means a council, authorized administrator or regional authority; and

(d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

Back to Top

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.

Back to Top

Interpretation

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

(a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;

(b) "accessory building" includes

(i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

(ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,

(iii) for commercial uses, workshops or garages, and

(iv) for industrial uses, garages, offices, raised ramps and docks;

(c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

(d) "building height" means the vertical distance, measured in metres from the established grade to the

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

(ii) deck line of a mansard roof, and

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

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

(e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;

(f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority’s development regulations;

(g) "established grade" means,

(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

(ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;

(h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;

(i) "frontage" means the horizontal distance between side lot lines measured at the building line;

(j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;

(k) "lot area" means the total horizontal area within the lines of the lot;

(l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;

(m) "non-conforming use" means a legally existing use that is not .listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;

(n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;

(o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority’s development regulations;

(p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;

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

(r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;

(s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;

(t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;

(u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;

(v) "use" means a building or activity situated on a lot or a development permitted on a lot;

(w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;

(x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and

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

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

Back to Top

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.

Back to Top

Appeal requirements

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

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

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

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

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

Back to Top

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.

Back to Top

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.

Back to Top

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.

Back to Top

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.

Back to Top

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.

Back to Top

Variances

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

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

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

Back to Top

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.

Back to Top

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.

Back to Top

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.

Back to Top

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.

Back to Top

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.

Back to Top

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.

Back to Top

Commencement

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

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